

CORPORATION PROCEEDINGS
COMMON COUNCIL
CITY HALL - BUFFALO
TUESDAY, October 19, 2010
AT 2:00 P.M.

Present – David A. Franczyk, President of the Council, and Councilmembers: Fontana, Golombek, Haynes, Kearns, LoCurto, Rivera, Russell & Smith - 9

Absent - None

On a motion by Mr. Fontana, Seconded by Mr. Rivera, the minutes of the stated meeting held on October 5, 2010 were approved.

	* A Y E * N O *
FONTANA	* / * *
FRANCZYK	* / * *
GOLOMBEK	* / * *
HAYNES	* / * *
KEARNS	* / * *
LOCURTO	* / * *
RIVERA	* / * *
RUSSELL	* / * *
SMITH	* / * *
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FROM THE MAYOR

October 19, 2010

TO: THE COMMON COUNCIL
 FROM: THE EXECUTIVE DEPARTMENT
 SUBJECT: 2010-2011 Annual Action Plan Amendment (Year 36 Community Development Block Grant)

DATE: October 14, 2010

Attached for Your Honorable Body's consideration and approval, please find an amendment to the City of Buffalo's 2010-2011 Annual Action Plan in accordance with an increased allocation of funds set forth by the U.S. Department of Housing & Urban Development.

Following Common Council approval of the 2010-2011 Action Plan on ____, the U.S. Department of Housing and Urban Development awarded to the City of Buffalo \$1,317,551 in additional funding for the Community Development Block Grant Program (CDBG) and \$43,367 more in funding for Housing Opportunities for Persons with Aids (HOPWA).

The City proposes to allocate these new funds as follows:

CDBG Program


Public Improvements – new activity for improvements to streets, sidewalks and Public Facilities in low-moderate income neighborhoods throughout the City of Buffalo	\$658,775.50
Demolitions Citywide - increase	<u>\$658,775.50</u>
Total	\$1,317,551.00

HOPWA

Benedict House - increase	\$43,367
Total	<u>\$43,367</u>

Pursuant to HUD requirements, the City's 2010-2011 Annual Action Plan Amendments is designed to carry out the objectives approved in the city's 2008-2012 Consolidated Plan. Following Common Council approval of the plan, the City will hold a public hearing followed by a 30-day public comment period.

**REFERRED TO THE COMMITTEE
ON COMMUNITY DEVELOPMENT.**


 Byron W. Brown
 Mayor



City of Buffalo
Byron W. Brown, Mayor

**2010-2011 Annual Action Plan Amendment
Recommendation**

Community Development Block Grant (CDBG)
HOME Investment Partnership Program (HOME)
Emergency Shelter Grant (ESG)
Housing Opportunities for People with AIDS (HOPWA)

Substantial Amendment
October 14, 2010

Office of Strategic Planning
Brendan R. Mehaffy, Executive Director

SUBSTANTIAL AMENDMENT TO THE CITY'S 2010-2011 ANNUAL ACTION PLAN

On March 31, 2010, the official 2010 formula grant allocation amounts were released by the U.S. Department of Housing & Urban Development. The City of Buffalo received additional funding than was estimated for the Community Development Block Grant (CDBG) and the Housing Opportunities for Persons with AIDS (HOPWA) Grant. These are the increases:

	<u>Actual</u>	<u>Estimated</u>	<u>Difference</u>
CDBG	\$17,409,073	\$16,091,522	\$1,317,551
HOPWA	\$ 565,329	\$ 521,962	\$ 43,367

To account for these increases, the City proposes the following changes to its 2010-2011 Annual Action Plan budget:

CDBG Program

Public Improvements – new activity for improvements to streets, sidewalks and Public Facilities in low-moderate income neighborhoods throughout the City of Buffalo
Demolitions Citywide - increase

\$658,775.50
\$658,775.50
Total \$1,317,551.00

HOPWA

Benedict House - increase

\$43,367
Total \$43,367

The City has revised the 2010-2011 Annual Action Plan Budget as stated above.

The City will conduct a Public Hearing to invite citizens to review and comment on the changes to the CDBG and HOPWA Programs. Upon commencement of the Public Hearing, there will be a 30 day comment period.

TO: THE COMMON COUNCIL

DATE: October 14, 2010

FROM: THE EXECUTIVE DEPARTMENT

SUBJECT: Appointments to Shared Asset Forfeiture Fund Advisory Committee

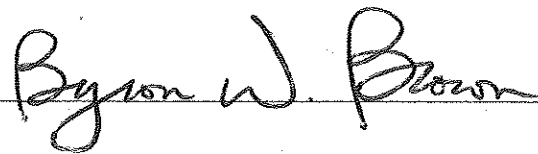
Pursuant to §16-25 of the Code of the City of Buffalo, I hereby appoint Janet Penksa and Donna Estrich to the Shared Asset Forfeiture Fund Advisory Committee. Ms. Estrich's appointment will be for a three year term, and Ms. Penksa's will be for a two year term in accordance with the aforementioned section.

DEPARTMENT HEAD NAME:

Byron W. Brown

TITLE:

Mayor

SIGNATURE OF DEPARTMENT HEAD:

REFERRED TO THE COMMITTEE ON LEGISLATION AND
THE DEPARTMENT OF COLLECTIONS

LEG, COLL

FROM THE MAYOR - EXECUTIVE DEPARTMENT

October 19, 2010

FROM THE CITY PLANNING BOARD

October 19, 2010

**SEQRA Notice of Determination
Non Significance**

Negative Declaration

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (SEQR – State Environmental Quality Review) of the Environmental Conservation Law.

Lead Agency: City of Buffalo Planning Board
Room 901, City Hall
65 Niagara Square
Buffalo New York 14202

As per the provisions of SEQR, the Lead Agency has reviewed the following action as it relates to the environment:

Action Title Bidco Marine Group
Location: 220 Katherine Street
Type of Action: Unlisted- Uncoordinated

Description: Bidco marine Group is proposing the rehabilitation of an existing building and surrounding property located at 220 Katherine Street, Buffalo New York. The project consists of the rehabilitation of an existing 3000s.f. building that will be housing the administration offices of Bidco Inc. The project will also include the improvement of the surrounding site to allow safe access to their Buffalo River boat docks/ slip frontage and dock wall. A proposed new vehicle access road will be built to gain ingress/ egress to the site. This proposed project is located next to the New York State Power Authorities ice boom storage and Marine vessel storage facility. A new earthen berm with plantings will act as a visual impairment to the site's interior as well as provide a safe divisional barrier between Bidco Inc. and the existing CSX tracks. The project will be privately funded in the amount of 350,000 dollars.

As a result of this Environmental Review, the Lead Agency has determined the undertaking of this action will not have a significant adverse affect on the quality of the environment. No further environmental review of this action will be conducted prior to project implementation and a Draft Environmental Impact Statement will not be prepared.

Reasons Supporting This Determination: The facts and reasons for this decision are as follows: this project will take a neglected vacant parcel that is not maintained, bringing in a new corporate office and marine use to an area that has been under utilized for many years as well as moving a business located in suburban Grand island to the City of Buffalo. The identified potential negative impacts appear to be primarily short-term site preparation and construction related activities, and do not appear to be significant in magnitude or effect. There are no actions, which will have a significant adverse impact on the environment.

For further information relative to this Negative Declaration, contact Mr. Martin Grunzweig, Land Use Controls Coordinator, Room 901 City Hall, Buffalo New York 14202 – 716 851-5085

Dated: October 12, 2010

CC: City Clerk
City of Buffalo Public Works, Parks, Streets Department
City of Buffalo Economic Development, Permits and Inspection
Bidco inc.

RECEIVED AND FILED

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**SEQRA Notice of Determination
Non Significance****Negative Declaration**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (SEQR – State Environmental Quality Review) of the Environmental Conservation Law.

Lead Agency: City of Buffalo Planning Board
Room 901, City Hall
65 Niagara Square
Buffalo New York 14202

As per the provisions of SEQR, the Lead Agency has reviewed the following action as it relates to the environment:

Action Title: Family Dollar Store

Location: 1700 Kenmore Avenue

Type of Action: Unlisted- Uncoordinated

Description: Ellicott Development Company is proposing the construction of a Family dollar store on the property located at 1700 Kenmore Avenue, Buffalo New York. The project consists of the construction of a 9100 square foot building with thirty one parking spaces including three handicap spaces. A dumpster enclosure as well as new landscaping will be installed. Building material will include a EFIS canopy, flood pack lighting, Architectural split faced block, painted smooth accent block and on the east elevation the lower windows glazing will be opaque and the upper will glazing will be clear. A seventeen foot pole sign is proposed on the site. The project will be privately funded in the amount of 100,000 dollars.

As a result of this Environmental Review, the Lead Agency has determined the undertaking of this action will not have a significant adverse affect on the quality of the environment. No further environmental review of this action will be conducted prior to project implementation and a Draft Environmental Impact Statement will not be prepared.

Reasons Supporting This Determination: The facts and reasons for this decision are as follows: this project will take a neglected vacant lot that is not maintained, bringing in a new retail store that will provide neighborhood residents and visitors to the area a convenient place to make purchases. The identified potential negative impacts appear to be primarily short-term site preparation and construction related activities, and do not appear to be significant in magnitude or effect. There are no actions, which will have a significant adverse impact on the environment.

For further information relative to this Negative Declaration, contact Mr. Martin Grunzweig, Land Use Controls Coordinator, Room 901 City Hall, Buffalo New York 14202 – 716 851-5085

Dated: September 28, 2010

CC: City Clerk
City of Buffalo Public Works, Parks, Streets Department
City of Buffalo Economic Development, Permits and Inspection
Ellicott Development Company

RECEIVED AND FILED

**SEQRA Notice of Determination
Non Significance**

Negative Declaration

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (SEQR – State Environmental Quality Review) of the Environmental Conservation Law.

Lead Agency: City of Buffalo Planning Board
Room 901, City Hall
65 Niagara Square
Buffalo New York 14202

As per the provisions of SEQR, the Lead Agency has reviewed the following action as it relates to the environment:

Action Title Delta Sonic Improvements

Location: 1006 McKinley Parkway

Type of Action: Unlisted- Uncoordinated

Description: Delta Sonic Car Wash Systems Inc. is proposing the rehabilitation of portions of the car wash and fuel area located at 1006 McKinley Parkway, Buffalo New York. The proposed project consists of the construction of a state of the art gasoline dispensing facility using updated technology and leak prevention and detection. The plan includes the removing of the existing underground fuel tanks and installing two double wall fiberglass fuel tanks with interstitial brine monitoring; total capacity of the fuel tanks is 32,000 gallons, the same capacity as the existing tanks. Also proposed is to replace the existing canopy with a new 3000 s.f. gas canopy with energy efficient lighting and a new overhead fire suppression system. Three new gas pumps will be installed allowing six fuel stations, new concrete and tank pads. New landscaping will be installed with new curbs and pavement. The existing building will be repaired, that includes new car wash mechanicals. New fencing will be installed along the neighboring property line and a new smaller ground sign will be placed at the corner of the property. The project will be funded privately.

As a result of this Environmental Review, the Lead Agency has determined the undertaking of this action will not have a significant adverse affect on the quality of the environment. No further environmental review of this action will be conducted prior to project implementation and a Draft Environmental Impact Statement will not be prepared.

Reasons Supporting This Determination: The facts and reasons for this decision are as follows: this project will allow Delta Sonic Car Wash Systems to remain profitable at this location, as well as providing a better facility for their customers. The new landscaping will add to the surrounding community's aesthetics. The identified potential negative impacts appear to be primarily short-term site preparation and construction related activities, and do not appear to be significant in magnitude or effect. There are no actions, which will have a significant adverse impact on the environment.

For further information relative to this Negative Declaration, contact Mr. Martin Grunzweig, Land Use Controls Coordinator, Room 901 City Hall, Buffalo New York 14202 – 716 851-5085

RECEIVED AND FILED

Dated: October 12, 2010

CC: City Clerk
City of Buffalo Public Works, Parks, Streets Department
City of Buffalo Economic Development, Permits and Inspection
Delta Sonic

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**SEQRA Notice of Determination
Non Significance****Negative Declaration**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (SEQR – State Environmental Quality Review) of the Environmental Conservation Law.

Lead Agency: City of Buffalo Planning Board
Room 901, City Hall
65 Niagara Square
Buffalo New York 14202

As per the provisions of SEQR, the Lead Agency has reviewed the following action as it relates to the environment:

Action Title Wilson farms Fuel Station
Location: 2080-2094 Niagara Street
Type of Action: Unlisted- Uncoordinated

Description: TRM Architects on behalf of Wilson Farms Convenience Stores is proposing the construction of a fuel station on the property located at 2080-2094 Niagara Street, Buffalo New York. The zoning classification for this property is CM, a zone that would allow this use. The fuel Station will include a 615 square foot kiosk, a fuel canopy with four fuel dispensers and over 20 percent of the lot will be landscaped. The proposed façade will include a brick finish with stucco and cultured stone at the entry. The entry canopy will include a "Wilson Farms" sign made of individually backlit letters. The site is currently a vacant lot. A Coastal Review Area approval is required from the Common Council before the project can begin. The project will be funded privately in the amount of 500,000 dollars.

As a result of this Environmental Review, the Lead Agency has determined the undertaking of this action will not have a significant adverse affect on the quality of the environment. No further environmental review of this action will be conducted prior to project implementation and a Draft Environmental Impact Statement will not be prepared.

Reasons Supporting This Determination: The facts and reasons for this decision are as follows: this project will take a vacant lot and develop it into a business that would provide employment to area residents and strengthen the Wilson farms Convenience Store business located across from the proposed project site. The identified potential negative impacts appear to be primarily short-term site preparation and construction related activities, and do not appear to be significant in magnitude or effect. There are no actions, which will have a significant adverse impact on the environment.

For further information relative to this Negative Declaration, contact Mr. Martin Grunzweig, Land Use Controls Coordinator, Room 901 City Hall, Buffalo New York 14202 – 716 851-5085

Dated: September 28, 2010

CC: City Clerk
City of Buffalo Common Council
City of Buffalo Public Works, Parks, Streets Department
City of Buffalo Economic Development, Permits and Inspection
TRM Architects

RECEIVED AND FILED

TO WHOM IT MAY CONCERN:

I hereby certify that at a meeting of the City of Buffalo Planning Board held at its offices at 901 City Hall, 65 Niagara Square, Buffalo, New York, on the 14th day of September, 2010, a resolution was adopted of which the following is a true copy:

Present:

James A. Morrell - Chairman
Frank A. Manuele
Cynthia A. Schwartz
Henry L. Burns
Michael J. Lyons

The following resolution was introduced:

WHEREAS, on August 27, 2010, Kaleida Health and 134 High Street, LLC (collectively "Applicants"), pursuant to §511-137 *et. seq.* of the Charter and Code of the City of Buffalo ("Code"), submitted a Letter of Intent ("LOI"), including Exhibits A-I, to the City of Buffalo Planning Board ("Planning Board"), in furtherance of the Applicants' request for Site Plan approval for the proposed Multi-Modal Transportation Structure ("MMTS") project (hereinafter referred to as "Project") located at the north-west corner of High Street and Michigan Avenue, Buffalo, New York ("Project Site"); and,

WHEREAS, the Applicants have provided information in the LOI supporting the request for Site Plan Approval for the MMTS; and

WHEREAS, a public hearing was held on the matter on September 14, 2010 at 8:15 a.m. where the Applicants presented the final design details for the Project; and

WHEREAS, the Planning Board has fully reviewed and discussed this matter; and

WHEREAS, the Planning Board has, pursuant to Code §511-137 *et. seq.* and New York General City Law §27-a, received and reviewed the Application materials for the Project and after discussing this matter, has decided to approve the Site Plan as presented on September 14, 2010 with certain additional conditions; and

WHEREAS, pursuant to the State Environmental Quality Review Act, Article 8 of New York Environmental Conservation Law and 6 NYCRR Part 617 ("SEQRA"), a governmental agency is required, prior to taking action on an application, to undertake an environmental review of a project to assess whether the action has the potential to have significant adverse environmental impacts; the Project Sponsors have prepared a Draft Generic Environmental Impact Statement ("DGEIS") for the entire North End Development on the Buffalo Niagara

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Medical Campus; the City of Buffalo Planning Board ("Planning Board") as Lead Agency has reviewed the DGEIS and deemed it complete; pursuant to the process set forth in the DGEIS, the Applicants have prepared and submitted to the Planning Board as Exhibit "I" – the aforementioned Letter of Intent, a Full Environmental Assessment Form ("FEAF"), specifically for the MMTS to assist the Planning Board in reviewing the potential impacts of this request; the DGEIS included a specific analysis of the scale and location of the proposed MMTS and the impacts it might have on adjacent uses and found that the Project would mitigate the potential negative impacts upon traffic and parking conditions in the vicinity of the Project Site; and

WHEREAS, the Planning Board has determined that the potential environmental impact of the Project has been minimized to the greatest extent practicable.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING BOARD, pursuant to City Code § 511-137 *et seq.* and New York General City Law §27-a, as follows:

1. The Applicants are seeking Site Plan approval for an approximately 1,800 space Multi-Modal Transportation Structure at the northwest corner of High Street and Michigan Avenue. The MMTS is 78' ± in height and a mix of concrete and glass features.

2. Also part of the Project will be traffic mitigation measures identified as part of the SEQRA review process for the Buffalo Niagara Medical Campus – North End Development. These include:

- Re-stripe Michigan Avenue near Cherry Street to create a dedicated left-turn lane and an exclusive thru-lane;
- Optimize signal splits and/or cycle lights at the following intersections:
 - Virginia Street and Michigan Avenue;
 - North Street and Michigan Avenue;
 - Main Street and Goodell Street;
 - Washington Street and Goodell Street;
 - Goodell Street and Oak Street;
 - Tupper Street and Ellicott Street;
 - Michigan Avenue and Goodell Street; and
 - Michigan Avenue and Carlton Street.

3. That the Planning Board has made the following determinations with respect to the Applicants' request for Site Plan Approval for the Project:

- a. That the Project will comply with the New York State Uniform Fire Prevention and Building Code;

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- b. That the potential negative environmental impacts of the Project have been avoided and mitigated to the greatest extent practicable pursuant to the SEQRA review process and recommendations associated therewith arising from the GEIS process for the Buffalo Niagara Medical Campus – North End Development;
 - c. That the proposed design for the MMTS is consistent with surrounding institutional uses while minimizing its visual and aesthetic impacts upon nearby residential properties. Specific design elements were used on the proposed MMTS to minimize the visual mass of the structure, especially as it relates to the Fruit Belt neighborhood to the east. Public greenspace along High Street and Michigan Avenue was also incorporated to further soften the edge of the structure relative to High Street and Michigan Avenue;
 - d. The design of entrances and traffic circulation surrounding the MMTS, along with the traffic mitigation measures described above, minimize the potential adverse impacts to traffic flows in the vicinity of the Project Site;
 - e. The Project as proposed includes areas to accommodate users of the Niagara Frontier Transportation Authority system and the Buffalo Niagara Medical Campus shuttle. Further, the MMTS is set back off High Street and stepped along Michigan Avenue to provide additional pedestrian-friendly areas and greenspace. The Applicants are also proposing to create a sculpture garden and provide surfaces for local artists to display their works. In addition, dedicated bicycle parking and locker areas are incorporated in the design of the MMTS to accommodate bicycle users on the Campus;
 - f. The Project will adequately control stormwater runoff and the design has been accepted by the Buffalo Sewer Authority and will comply with all applicable standards;
 - g. The Project will retain most of the existing vegetation and add additional greenspace along High Street, Michigan Avenue and the former Goodrich Street, which is not present currently;
 - h. The MMTS was designed to provide fire lanes and emergency zones to assist first responders in accessing the structure if necessary. These designs have been reviewed by the City of Buffalo Fire Department and final engineering drawings will be subject to their review before construction;
 - i. The structure is not anticipated to result in any ponding, flooding and/or erosion; and

- j. Lastly, the Project incorporates specific design considerations to address public concerns over the impact the structure would have on adjacent residential uses. In particular, the Applicants met with the Planning Board and the public prior to making the final design decision. The design which has been presented to the Planning Board is the design which reflects the comments of the Planning Board and the public. In addition, the MMTS will alleviate the significant parking impacts associated with the development of the Buffalo Niagara Medical Campus – North End Development.
- 4. That for the foregoing reasons, the Planning Board approves the Site Plan as presented on September 14, 2010 with the following conditions:
 - a. That the screening on the 1st level of the Michigan Avenue elevation will be incorporated into the High Street and former Goodrich Street elevations;
 - b. That the vegetation shown along the top of the structure on the Michigan Elevation in the drawings presented on September 14, 2010 be included in the final design;
 - c. That the Applicants add additional, more substantial vegetation along Michigan Avenue to further buffer the mass of the structure as it relates to the Fruit Belt neighborhood; and
 - d. That the Applicants prepare an updated site plan and elevation drawings incorporating these changes and present it to Planning Staff to ensure consistency with these determinations.
- 5. That the Planning Board recommends approval of the height variance necessary to facilitate the Project as proposed.
- 6. This resolution shall be effective immediately.

PASSED AND ADOPTED by the City of Buffalo Planning Board on the 14th day of September, 2010.

Upon roll call vote:

 5 aye's
 0 no's

[City of Buffalo Planning Board Certification of Votes]

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OFFICE OF STRATEGIC PLANNING
CITY OF BUFFALO
100 N. MAIN ST., 3RD FLOOR
BUFFALO, NEW YORK 14202

RECEIVED AND FILED

FROM THE OFFICE OF STRATEGIC PLANNING

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TO: THE COMMON COUNCIL: DATE: October 14, 2010

FROM : DEPARTMENT: Strategic Planning

DIVISION: Real Estate

SUBJECT: Renew Lease Agreement Between the City of
Buffalo and Harmac Medical Products, Inc. for use
of 2209 Bailey (10' Strip of land)
(Lovejoy District)

PRIOR COUNCIL REFERENCE: Item No. 5, C.C.P. 4/27/2004
Ex. (Item No. xxx, C.C.P. xx/xx/xx)

TEXT: (TYPE SINGLE SPACE BELOW)

Pursuant to Item No. 5, C.C.P. 4/27/04, Your Honorable Body authorized a three (3) year lease agreement between the City of Buffalo and Harmac Medical Products, Inc. The lease period was from June 1, 2004 and terminating May 31, 2009.

The Office of Strategic Planning, Division of Real Estate, has received a request from Harmac Medical Products, Inc. requesting to renew their lease for an additional three (3) year period. The property at 2209 Bailey is a 10' strip of city owned land with a sewer drain running through the property. Harmac Medical Products is located adjacent to this strip of land and utilizes it for off-street parking purposes. The lease would commence retroactively on June 1, 2009 and expire on May 31, 2012. Their annual rental was increased from \$125.000 to \$375.00 when the lease was renewed in 2004.

Their request to renew this lease was forwarded to the Department of Public Works, Parks and Streets, and Audit and Control and there were no objections. All terms and conditions of said lease agreement shall remain the same including but not limited to the following:

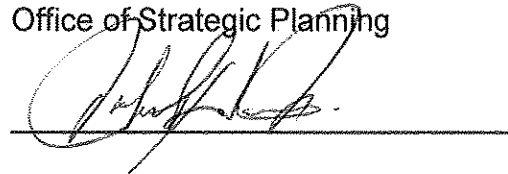
1. The annual rent shall be \$375.00.
2. No building of a permanent nature shall be constructed on said premises.
3. Plans for any building of a temporary nature must be submitted to the Buffalo Sewer Authority and its approval secured before construction of such temporary building.
4. Upon termination of the lease, all temporary improvements shall be removed by Tenant at its owns cost and expense and Tenant shall pay all taxes, sewer rentals and water bills levied during the term of this lease against any temporary improvements which may be erected upon the leased premises.
5. The use of the premises shall be at all times subject to the approval and further direction of the Buffalo Sewer Authority; and said premises shall at all times be made accessible to the Buffalo Sewer Authority for the repair and maintenance of a drain running through said premise.
6. Insurance – Harmac Medical Products, Inc. shall provide insurance as deemed necessary by the City's Corporation Counsel Office.
7. The lease may be cancelled at any time by either party by giving at least a 30 day notice in writing to the other.

This office recommends that Your Honorable Body renew their lease agreement for a three (3) year period commencing on June 1, 2009 and expiring on May 31, 2012. I am further recommending that Your Honorable Body authorize the Corporation Counsel to prepare the necessary documents to renew said lease and that the Mayor be authorized to execute the same.

TYPE DEPARTMENT HEAD NAME: John P. Hannon, Jr.

TYPE TITLE: Director of Real Estate
Office of Strategic Planning

SIGNATURE OF DEPARTMENT HEAD:

A handwritten signature in dark ink, appearing to read "John P. Hannon, Jr.", is written over a horizontal line.

JPH: plg
CRENEWLASEharmac

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Mr. Fontana moved:

That the above communication from the Office of Strategic Planning dated October 14, 2010, be received and filed; and

That the Director of Real Estate be, and he hereby is authorized to renew the lease between the City and Harmac Medical Products, for use of 2209 Bailey (10' strip of land) for an additional three (3) year term commencing on June 1, 2009 and expiring May 31, 2012. All other terms and conditions of said lease agreement shall remain including but not limited to those listed in the above communication. That the Acting Corporation Counsel be authorized to prepare the necessary lease and that the Mayor be authorized to execute the same.

Passed

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
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#1 (Rev. 1/93) One Page Communication to the Common Council

TO: THE COMMON COUNCIL DATE: October 12, 2010

FROM: DEPARTMENT: Office of Strategic Planning

DIVISION: Real Estate

SUBJECT: Report of Sale
127 Clare, 25' S Olga Place
Lot Size: 25' x 100'
Assessed Valuation: \$1,400.00
(Fillmore District)

The Office of Strategic Planning, Division of Real Estate has received a request from Mr. Ramon Rodriguez and Mrs. Iris Rodriguez, 123 Clare Street, Buffalo, New York 14206 to purchase 127 Clare. Mr. and Mrs. Rodriguez own and reside at 123 Clare, which is adjacent to 127 Clare. They intend to use the vacant lot for additional green space.

The Office of Strategic Planning Land Use Planning Committee, Division of Permit and Inspection Services and the Division of Collections have no objections to the sale. There are no building code violations, taxes or other liens owed to the City of Buffalo by the purchasers.

The Division of Real Estate has investigated the sale of similar lots in the subject area. Sales range from Thirty Five Cents (\$.35) to Sixty Cents (\$.60), per square foot.

Mr. and Mrs. Rodriguez have agreed and are prepared to pay One Thousand Four Hundred Dollars (\$1,400.00), Fifty Five Cents (\$.55) per square foot for the subject property. They have also agreed to pay for the cost of the transfer tax and recording fees.

I am recommending that Your Honorable Body approve the sale of 127 Clare to Mr. and Mrs. Rodriguez in the amount of One Thousand Four Hundred Dollars (\$1,400.00). I am further recommending that the Office of Strategic Planning prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same.

DEPARTMENT HEAD NAME:

TITLE:

JOHN P. HANNON, JR.
DIRECTOR OF REAL ESTATE
OFFICE OF STRATEGIC PLANNING

SIGNATURE OF DEPARTMENT HEAD:

JPH:ck

Reportsale127clare/real

Mr. Fontana moved:

That the above communication from the Office of Strategic Planning dated October 12, 2010, be received and filed; and

That the offer from Mrs. Iris Rodriguez, residing at 123 Clare Street, in the sum of One Thousand and Four Hundred Dollars (\$1,400.00) for the purchase of 127 Clare, be and hereby is accepted; and

That the transfer tax, recording fees and cost of legal description shall be paid by the purchaser; and

That the Office of Strategic Planning be authorized to prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same, in accordance with the terms of sale upon which the offer was submitted.

Passed.

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
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#1 (Rev. 1/93) One Page Communication to the Common Council

TO: THE COMMON COUNCIL DATE: October 12, 2010

FROM: DEPARTMENT: Office of Strategic Planning

DIVISION: Real Estate

SUBJECT: Report of Sale
738 Humboldt Pkwy., 90' N Ferry
Lot Size: 30' x 150'
Assessed Valuation: \$1,200.00
(Masten District)

The Office of Strategic Planning, Division of Real Estate has received a request from Mr. Ronald L. House and Mrs. Etta D. House, 738 Humboldt Parkway, Buffalo, New York 14211 to purchase 738 Humboldt Parkway. Mr. and Mrs. House own and reside at 740 Humboldt, which is adjacent to 738 Humboldt. They intend to use the vacant lot for additional green space.

The Office of Strategic Planning Land Use Planning Committee, Division of Permit and Inspection Services and the Division of Collections have no objections to the sale. There are no building code violations, taxes or other liens owed to the City of Buffalo by the purchasers.

The Division of Real Estate has investigated the sale of similar lots in the subject area. Sales range from Forty Cents (\$.40) to Seventy Cents (\$.70), per square foot.

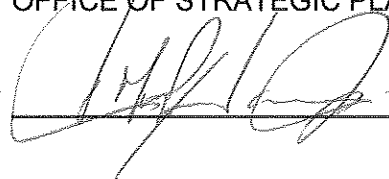
Mr. and Mrs. House have agreed and are prepared to pay Two Thousand Seven Hundred Dollars (\$2,700.00), Sixty Cents (\$.60) per square foot for the subject property. They have also agreed to pay for the cost of the transfer tax and recording fees.

I am recommending that Your Honorable Body approve the sale of 738 Humboldt to Mr. and Mrs. House in the amount of Two Thousand Seven Hundred Dollars (\$2,700.00). I am further recommending that the Office of Strategic Planning prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same.

DEPARTMENT HEAD NAME:
TITLE:

JOHN P. HANNON, JR.
DIRECTOR OF REAL ESTATE
OFFICE OF STRATEGIC PLANNING

SIGNATURE OF DEPARTMENT HEAD:
JPH:ck
Reportsale738humboldt/real



REFERRED TO THE COMMITTEE
ON COMMUNITY DEVELOPMENT.

25

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26

#1 (Rev. 1/93) One Page Communication to the Common Council

TO: THE COMMON COUNCIL DATE: October 12, 2010

FROM: DEPARTMENT: Office of Strategic Planning

DIVISION: Real Estate

SUBJECT: Report of Sale
101 Krettner, 335.24' N William
Lot Size: 30' x 105'
Assessed Valuation: \$1,700.00
(Ellicott District)

The Office of Strategic Planning, Division of Real Estate has received a request from Mr. Tracy E. Singletary, 93 Krettner Street, Buffalo, New York 14206 to purchase 101 Krettner Street. Mr. Singletary owns and resides at 93 Krettner, which is adjacent to 101 Krettner. He intends to use the vacant lot for additional green space.

The Office of Strategic Planning Land Use Planning Committee, Division of Permit and Inspection Services and the Division of Collections have no objections to the sale. There are no building code violations, taxes or other liens owed to the City of Buffalo by the purchaser.

The Division of Real Estate has investigated the sale of similar lots in the subject area. Sales range from Forty Cents (\$.40) to Sixty Cents (\$.60), per square foot.


Mr. Singletary has agreed and is prepared to pay One Thousand Seven Hundred Dollars (\$1,700.00), Fifty Five Cents (\$.55) per square foot for the subject property. He has also agreed to pay for the cost of the transfer tax and recording fees.

I am recommending that Your Honorable Body approve the sale of 101 Krettner to Mr. Tracy Singletary in the amount of One Thousand Seven Hundred Dollars (\$1,700.00). I am further recommending that the Office of Strategic Planning prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same.

DEPARTMENT HEAD NAME:
TITLE:

JOHN P. HANNON, JR.
DIRECTOR OF REAL ESTATE
OFFICE OF STRATEGIC PLANNING

SIGNATURE OF DEPARTMENT HEAD:
JPH:ck
Reportsale101krettner/real



11

27
Mr. Fontana moved:

That the above communication from the Office of Strategic Planning dated October 12, 2010, be received and filed; and

That the offer from Mr. Tracy E. Singletary, residing at 93 Krettner Street, in the sum of One Thousand and Seven Hundred Dollars (\$1,700.00) for the purchase of 101 Krettner Street, be and hereby is accepted; and

That the transfer tax, recording fees and cost of legal description shall be paid by the purchaser; and

That the Office of Strategic Planning be authorized to prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same, in accordance with the terms of sale upon which the offer was submitted.

Passed.

28

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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29

#1 (Rev. 1/93) One Page Communication to the Common Council

TO: THE COMMON COUNCIL DATE: October 13, 2010

FROM: DEPARTMENT: Office of Strategic Planning

DIVISION: Real Estate

SUBJECT: Report of Sale
255 Landon, 130' W Humboldt Pkwy.
Lot Size: 33' x 112'
Assessed Valuation: \$2,000.00
(~~Fillmore~~ District)
Masten

The Office of Strategic Planning, Division of Real Estate has received a request from Mr. Huncles Means, 253 Landon Street, Buffalo, New York 14208 to purchase 255 Landon Street. Mr. Means owns and resides at 253 Landon, which is adjacent to 255 Landon. He intends to use the vacant lot for additional green space.

The Office of Strategic Planning Land Use Planning Committee, Division of Permit and Inspection Services and the Division of Collections have no objections to the sale. There are no building code violations, taxes or other liens owed to the City of Buffalo by the purchaser.

The Division of Real Estate has investigated the sale of similar lots in the subject area. Sales range from Thirty Cents (\$.30) to Sixty Cents (\$.60), per square foot.

Mr. Means has agreed and is prepared to pay One Thousand Dollars (\$1,000.00), Thirty Cents (\$.30) per square foot for the subject property. He has also agreed to pay for the cost of the transfer tax and recording fees.

I am recommending that Your Honorable Body approve the sale of 255 Landon to Mr. Huncles Means in the amount of One Thousand Dollars (\$1,000.00). I am further recommending that the Office of Strategic Planning prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same.

DEPARTMENT HEAD NAME:
TITLE:

JOHN P. HANNON, JR.
DIRECTOR OF REAL ESTATE
OFFICE OF STRATEGIC PLANNING

SIGNATURE OF DEPARTMENT HEAD:
JPH:ck
Reportsale255landon/real



REFERRED TO THE COMMITTEE
ON COMMUNITY DEVELOPMENT.

12

#1 (Rev. 1/93) One Page Communication to the Common Council

TO: THE COMMON COUNCIL DATE: October 12, 2010

FROM: DEPARTMENT: Office of Strategic Planning

DIVISION: Real Estate

SUBJECT: Report of Sale
177 Leslie, 327.88' S Scajaquada
Lot Size: 30' x 108'
Assessed Valuation: \$2,300.00
(Lovejoy District)

The Office of Strategic Planning, Division of Real Estate has received a request from Ms. Agatha Hall, 32 Frankfort Street, Buffalo, New York 14211 to purchase 177 Leslie. Ms. Hall owns two one family houses at 189 and 187 Leslie, which are adjacent to 177 Leslie. She intends to use the vacant lot for additional green space.

The Division of Strategic Planning Land Use Planning Committee, Division of Permit and Inspection Services and the Division of Collections have no objections to the sale. There are no building code violations, taxes or other liens owed to the City of Buffalo by the purchaser.

The Division of Real Estate has investigated the sale of similar properties in the subject area. Sales range from Thirty Cents (\$.30) to Sixty Cents (\$.60), per square foot.

Ms. Hall has agreed and is prepared to pay One Thousand Eight Hundred Dollars (\$1,800.00), Fifty Five Cents (\$.55) per square foot for the subject property. She has also agreed to pay for the cost of the transfer tax and recording fees.

I am recommending that Your Honorable Body approve the sale of 177 Leslie to Ms. Agatha Hall in the amount of One Thousand Eight Hundred Dollars (\$1,800.00). I am further recommending that the Office of Strategic Planning prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same.

DEPARTMENT HEAD NAME:
TITLE:

JOHN P. HANNON, JR.
DIRECTOR OF REAL ESTATE
OFFICE OF STRATEGIC PLANNING

SIGNATURE OF DEPARTMENT HEAD:

JPH:ck
Reportsale177leslie



Mr. Fontana moved:

That the above communication from the Office of Strategic Planning dated October 12, 2010, be received and filed; and

That the offer from Ms. Agatha Hall, residing at 32 Frankfort Street, in the sum of One Thousand and Eight Hundred Dollars (\$1,800.00) for the purchase of 177 Leslie Street, be and hereby is accepted; and

That the transfer tax, recording fees and cost of legal description shall be paid by the purchaser; and

That the Office of Strategic Planning be authorized to prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same, in accordance with the terms of sale upon which the offer was submitted.

Passed.

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*

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*	*	*
*	*	*

#2 (Rev. 1/93) Two Page Communication to the Common Council

TO: THE COMMON COUNCIL DATE: October 12, 2010

FROM: DEPARTMENT: Office of Strategic Planning

DIVISION: Real Estate

SUBJECT: Report of Sale
285 Loepere, 571' S Walden
Lot Size: 30' x 108'
Assessed Valuation: Land \$1,600.00
Total \$14,000.00
(Fillmore District)

The Office of Strategic Planning, Division of Real Estate has received a request from Mr. Mohammad A. Khan and Mrs. Surriaya Khan, 993 Sycamore Street, Buffalo, New York 14212 to purchase 285 Loepere Street. Mr. and Mrs. Khan intend to renovate and bring the property into code compliance and use as income property. The estimated cost of renovations is Nine Thousand Five Hundred Dollars (\$9,500.00). Mr. Chatkhan has provided plans to rehabilitate the house and proof of financial ability to complete the purchase and the repairs.

The property consists of 1,845 square feet, two and one half story wood frame, two family house in poor to fair condition situated on a lot 30' x 108'. The property was acquired by the City through In Rem #41, October 2007. There have been no other serious offers for the property, since being acquired by the City.

The Office of Strategic Planning Land Use Planning Committee, Division of Permit and Inspection Services and the Division of Collections have no objections to the sale. There are no building code violations, taxes or other liens owed to the City of Buffalo by the purchasers.

The Division of Real Estate has investigated the sale of similar properties in the subject area. Sales range from One Dollar and Twenty Five Cents (\$1.25) to Three Dollars (\$3.00), per square foot of living area.

Mr. and Mrs. Khan have agreed and are prepared to pay Three Thousand Seven Hundred Dollars (\$3,700.00), Two Dollars (\$2.00) per square foot of living area for the subject property. They have also agreed to pay for the cost of the transfer tax and recording fees.

I am recommending that Your Honorable Body approve the sale of 285 Loepere to Mr. and Mrs. Mohammad Khan in the amount of Three Thousand Seven Hundred Dollars (\$3,700.00). I am further recommending that the Office of Strategic Planning prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same.

DEPARTMENT HEAD NAME:
TITLE:

JOHN P. HANNON, JR.
DIRECTOR OF REAL ESTATE
OFFICE OF STRATEGIC PLANNING

SIGNATURE OF DEPARTMENT HEAD:

JPH:ck

Repsalehouse285loepere

REFERRED TO THE COMMITTEE
ON COMMUNITY DEVELOPMENT.

#1 (Rev. 1/93) One Page Communication to the Common Council

TO: THE COMMON COUNCIL DATE: October 13, 2010

FROM: DEPARTMENT: Office of Strategic Planning

DIVISION: Real Estate

SUBJECT: Report of Sale
44 Mulberry, 230' N Goodell
Lot Size: 25' x 100'
Assessed Valuation: \$1,400.00
(Ellicott District)

The Office of Strategic Planning, Division of Real Estate has received a request from Mrs. Jacqueline Johnson, 170 Forestview Drive, Amherst, New York 14221 to purchase 44 Mulberry Street. Mrs. Johnson owns a one family house at 46 Mulberry, which is adjacent to 44 Mulberry. She intends to use the vacant lot for additional green space.

The Office of Strategic Planning Land Use Planning Committee, Division of Permit and Inspection Services and the Division of Collections have no objections to the sale. There are no building code violations, taxes or other liens owed to the City of Buffalo by the purchaser.

The Division of Real Estate has investigated the sale of similar properties in the subject area. Sales range from Fifty Cents (\$.50) to Seventy Five Cents (\$.75), per square foot.

Mrs. Johnson has agreed and is prepared to pay One Thousand Three Hundred Dollars (\$1,300.00), Fifty Cents (\$.50) per square foot for the subject property. She has also agreed to pay for the cost of the transfer tax and recording fees.

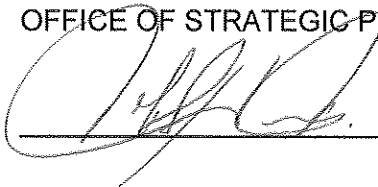
I am recommending that Your Honorable Body approve the sale of 44 Mulberry to Mrs. Jacqueline Johnson in the amount of One Thousand Three Hundred Dollars (\$1,300.00). I am further recommending that the Office of Strategic Planning prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same.

DEPARTMENT HEAD NAME:
TITLE:

JOHN P. HANNON, JR.
DIRECTOR OF REAL ESTATE
OFFICE OF STRATEGIC PLANNING

SIGNATURE OF DEPARTMENT HEAD:

JPH:ck
Repsale44mulberry/re



35

Mr. Fontana moved:

That the above communication from the Office of Strategic Planning dated October 13, 2010, be received and filed; and

That the offer from Mrs. Jacqueline Johnson, residing at 170 Forestview Drive, Amherst, in the sum of One Thousand and Three Hundred Dollars (\$1,300.00) for the purchase of 44 Mulberry, be and hereby is accepted; and

That the transfer tax, recording fees and cost of legal description shall be paid by the purchaser; and

That the Office of Strategic Planning be authorized to prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same, in accordance with the terms of sale upon which the offer was submitted.

Passed.

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective: **SEPTEMBER 30, 2010**
in the Department of **EXECUTIVE**
Division of **OFFICE OF STRATEGIC PLANNING**
to the Position of **CONFIDENTIAL SECRETARY TO THE EXECUTIVE DIRECTOR**
Permanent, Provisional, Temporary, Seasonal, Exempt, Unclassified (Insert one) **PROVISIONAL PENDING**
Open-Competitive, Promotional, Non-Competitive, Exempt (Insert one) **EXEMPT**
Minimum, Intermediate, Maximum, Flat, Hourly (Insert one) **FLAT**
(Enter Starting Salary) : Starting Salary of **\$42,297.**

LAST JOB TITLE	NAME	LANETTE BOULWARE-WRIGHT
LAST DEPARTMENT	ADDRESS	127 HARVARD PLACE
LAST SALARY	CITY & ZIP	BUFFALO, NY 14209
LAST 4 DIGITS OF SSN. XXX-XX-5519		

LAST JOB TITLE	NAME
LAST DEPARTMENT	ADDRESS
LAST SALARY	CITY & ZIP
LAST 4 DIGITS OF SSN. XXX-XX-	

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

BUDGET ORG. CODE	10309001	TITLE CODE NO	0338
BUDGET ACCT. OBJ.	411001	PERSONNEL REQ. NO	2010-46
SALARY RANGE OF POSITION	PROJ. ID	PER YEAR DAY HOUR	YEAR

REASON FOR APPT. ABOVE THE MINIMUM:

NAME OF APPOINTING AUTHORITY: **BYRON W. BROWN**
TITLE OF APPOINTING. AUTHORITY: **MAYOR**
SEPTEMBER 30, 2010

SIGNATURE OF APPOINTING AUTHORITY:

Byron W. Brown

ORIGINAL + 2 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)
OTHER COPIES TO: #3- COMPTROLLER #4- HUMAN SERVICES/CIVIL SERVICE #5- BUDGET
#6- DEPARTMENT #7- DIVISION #8- EMPLOYEE(S)

7 FROM THE COMPTROLLER

TO: THE COMMON COUNCIL DATE: September 29, 2010

FROM: THE DEPARTMENT OF
AUDIT & CONTROL

SUBJECT: "Opening a Gift Shop and Tourist
Information Center on the 25th Floor of
City Hall"
Item No. 105, C.C.P., July 29, 2010

This communication is in response to the Common Council requesting input from the Comptroller's office regarding opening a gift shop in City Hall on the 25th floor.

After visiting the proposed location and asking informal questions of both visitors and City Hall employees, it appears the idea of transforming the currently unoccupied space on the 25th floor into a gift shop/snack bar has merit. Some of the better ideas discussed include: creating a small art gallery for local artists within the gift shop, selling Buffalo-themed souvenirs, and serving snacks such as coffee, etc. to visitors.

However, proper research, including cost analysis, logistics, and "Return on Investment" potential, is necessary before opening such a business in this location.

The process should be adequately fulfilled by a task force or committee, to examine the feasibility of whether it is fiscally prudent for the City to engage in such an enterprise.

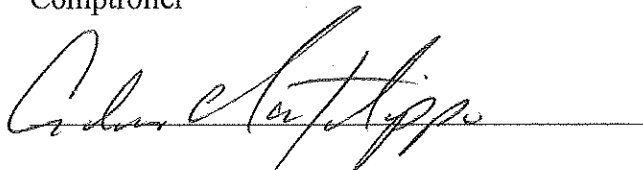
Issues of concern include: proper oversight, safety, security, liability insurance protection and if it is run by an outside vendor, how will that entity be chosen?

If you have any further questions on this matter, please feel free to contact the Department of Audit and Control.

DEPARTMENT HEAD: Andrew A. SanFilippo

TITLE: Comptroller

SIGNATURE:



**REFERRED TO THE COMMITTEE
ON FINANCE.**

TO: THE COMMON COUNCIL DATE: September 29, 2010

FROM: THE DEPARTMENT OF
AUDIT & CONTROL

SUBJECT: "Healthcare Dependent Audits"
Item No. 104, C.C.P., Sept 7, 2010

This communication is in response to the Common Council requesting input from the Comptroller's office regarding a healthcare dependent eligibility audit.

My office supports an eligibility audit of current and retired City employees on the healthcare rolls to eliminate any fraud or waste existing in the current system. In light of the more than 170 deceased employees who were mistakenly listed as "current" on the healthcare rolls, and a September 27 Buffalo News article indicating the possibility of ineligible dependents receiving City-sponsored healthcare benefits, such an audit would ensure the accuracy of the current information listed for City employees.

As this would require a specialized healthcare consulting firm to work closely with the Department of Human Resources, we would advise the Administration to issue a Request for Proposals/Qualifications to identify the best vendor to perform this investigation. While there has been some internal work done by the City to find ineligible dependents, a proper examination of the City's and the healthcare company's databases will need the dedicated resources of an outside firm.

As evidenced by the recent follow-up audit to the Department of Human Resources, errors in the healthcare payment system can be very costly to the taxpayers; therefore any fee structure for an outside firm should be contingent upon, and proportionate to, the amount of monies that may be recovered.

If you have any further questions on this matter, please feel free to contact the Department of Audit and Control.

DEPARTMENT HEAD: Andrew A. SanFilippo

TITLE: Comptroller

SIGNATURE:



REFERRED TO THE COMMITTEE
ON FINANCE.

51

FROM THE COMMISSIONER OF PUBLIC WORKS, PARKS AND STREETS

October 19, 2010

#1 (Rev. 1/93) SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL

DATE: October 13, 2010

FROM: DEPARTMENT: Public Works, Parks & Streets

DIVISION: Engineering

SUBJECT: [: City of Buffalo
[: Snow Plan
[: 2010 - 2011

PRIOR COUNCIL REFERENCE: (IF ANY) [

I hereby submit to Your Honorable Body the City of Buffalo Department of Public Works, Parks & Streets Snow Plan for 2010 - 2011 for your review and approval.

Department Head Name: Steven J. Stepniak
Title: Commissioner of Public Works, Parks & Streets

SIGNATURE OF DEPARTMENT HEAD:

SJS/PJM:cam

Attachment

cc: Peter Merlo, P.E., City Engineer
Henry Jackson
Raymour Nosworthy

(cc092910.doc)

REFERRED TO THE COMMITTEE
ON COMMUNITY DEVELOPMENT.

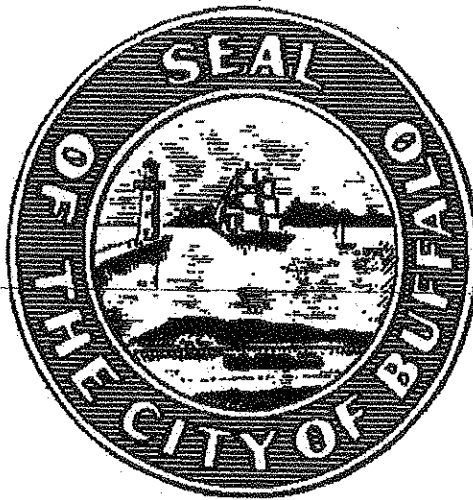
43

CITY OF BUFFALO

Department of Public Works, Parks & Streets
Streets Department

SNOW REMOVAL STANDARD OPERATING PROCEDURE

(2010 – 2011 Edition)



Byron W. Brown, Mayor
Steven J. Stepniak, Commissioner of Public Works, Parks & Streets
Henry Jackson, Director of Streets & Snow Removal

CCP #19
10-19-2010

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INTRODUCTION

Every employee involved in snow and ice operations is responsible to become familiarized with this information. While this guideline provides both general and specific snow and ice control information it is recognized that every contingency cannot be planned for. Changing conditions and other factors will likely require alterations to our everyday or every event snow and ice control practice.

GOALS

It is our goal as supervision to better educate ourselves and our work force on the technology and practices of snow and ice control. We believe that this booklet will help in this endeavor.

It is the City of Buffalo Department of Streets and Sanitation's goal to provide a city street that is passable and safe for vehicular traffic as much of the time as possible with limitations imposed by climate conditions and the availability of equipment, material and personal resources. It is recognized that due to those resource limitations and climate conditions, pavement surfaces will be snow covered and / or slippery some of the time. Vehicle operators must exercise caution.



SNOW AND ICE CONTROL

It is impossible to provide a "bare" or "wet" pavement surface all the time. The characteristics of weather and finite available resources preclude this possibility. It is the goal of snow and ice control for the City of Buffalo Division of Streets to provide the safest possible pavement surface that climatic conditions and available resources will allow.

The two general principles regarding effective ice control:

- **"Prevent Pack – Don't Melt It":** Time application of salt very early in a storm, with appropriate follow-up applications, will generally prevent pack from forming. This strategy is much more effective and safe than trying to remove pack once it has been formed.
- **"If Salt Will Work – Use It":** If conditions are favorable, salt should be the first choice of ice control material. The use of abrasives when salt will work encourages the formation of pack. The overall resource requirements for dealing with pack are far greater than preventing by timely use of salt.

MATERIALS USED FOR ICE CONTROL

There are three types of materials available for use for snow and ice control in North Erie; Salt, abrasives and liquid anti-icers:

- **Rock Salt** – Rock Salt or Sodium Chloride (NaCl) is the most common and least expensive ice control chemical. The ability of salt to melt ice or form brine is highly temperature dependent. At 30° Fahrenheit, one pound of salt will only melt 6.3 pounds of ice. This characteristic of salt primarily dictates when salt is used. This is the primary conditioner used in the City of Buffalo.
- **Abrasives (Sand)** – Sand is generally the choice for abrasives. Sand has a low initial cost and provides immediate temporary improvement in the

frictional characteristics of the pavement surface. A small amount of salt must be added to the sand in order to keep it in workable or spread able condition and have it adhere to the snow or ice. Given our areas normal winter temperature, a mix of 10% salt or a ratio of 8 buckets of sand to 1 bucket of salt is recommended. The use of sand is not used in the City of Buffalo because of the potential problems with the sewer system it may cause.

- **Liquid Anti-Icers** – There are three types of Liquid Anti-Icers available for use in the North Erie Region. These are Calcium Chloride (CaCl_2), Magnesium Chloride (MgCl_2), and Ice-ban Magic (MgCl_2) combined with the by-product of the distilling process.

There are two methods available in the North Erie Region to utilize Anti-Icers. They are pretreated salt (purchased or treated stockpile) and on board saddle tanks to pre-wet rock salt as it enters the spreader shoot and dedicated pure liquid dispensing units.

The wetting of a solid chemical prior to spreading improves the effectiveness of the solid chemical in many situations. A dry solid chemical requires liquid to become active or go into solution. The process of going into solution is accelerated if a liquid is added to the solid. This is only one of the benefits of pre-wetting. Other advantages include that the salt is spread more uniformly because less waste from bouncing or traffic action, granules adhere to the road better, there is a faster and longer lasting effect, and less solid chemical is required to achieve the same level of service. The application rate for pre-wetting is 7-10 gallons of solution per ton of salt.

CALIBRATION OF SPREADERS

It is recommended that all spreaders and ground speed controllers be calibrated prior to November 1st of each year. There are separate calibrations for salt, abrasives and mixes of liquid and salt. As per NYSDOT policy the actual application rates are determined from calibrations will be within 7 ½ % of the target value. To insure that spreader units are applying the calibrated spread rates it is recommended that the gate setting be fixed by drilling and pinning plates.

APPLICATION RATE GUIDELINES

Selection of the appropriate material and specific application rate is absolutely essential in effective ice control. Selection will be based upon a number of factors such as type and nature of weather event, pavement temperature range and trend surface conditions and frequency of applications.

To assist Snow / Ice Control operators and supervisors, guidelines are provided starting on page 8. These tables provide guidance on selection of material and application rates for initial and subsequent operations based on expected weather events and pavement conditions. The rates indicated in these tables are based on the Department of Transportation guidelines and those of the Federal Highway Administration. All operators and supervisors should read and understand these tables.

WEATHER INFORMATION

Accurate weather information is essential to effective snow and ice management. Among the assets to assist in this task is color weather radar satellite, accu-weather forecasts, Road Weather Information Systems (RWIS) and the National Weather Service (Buffalo International Airport). In addition, it is recommended that supervision vehicles be equipped with an onboard surface and air thermometer.

Use of these sources contributes significantly to snow and ice management by helping make decisions regarding call outs, holdovers, material type, application rates and when to start spreading, when to re-apply material and when to stop spreading.

LEAVE APPROVALS

Maintenance staffing levels are based on full utilization of personnel during Snow and Ice Season. The guidelines related to granting leave approvals this time as follows:

- Extended leave requests (of four days or more) will be considered and approved subject to two days written notice, if the leave does jeopardize the City of Buffalo's ability to carry out Snow and Ice activities.
- Leave requests of less than four days will be considered and approved subject to two days written notice and on a contingency basis subject to 24 hours notice of denial based upon reported/forecast weather conditions requiring additional snow and ice staffing.
- Leave requests of one day or less in duration may be approved prior to, at the start of or during a shift to the operating needs of the Department based on reported/forecast weather conditions.

GLOSSARY OF TERMS

Black Ice – A popular term for a very thin coating of clear, bubble free, homogeneous ice. This usually forms on pavement with a temperature at or slightly above 32° F, and the temperature of the air that is in contact with the ground is below the freezing-point of water. Small, slightly super-cooled water droplets deposit on the surface and coalesce (flow together) before freezing.

Chemical Spread Rate – Also called the chemical application rate. For solid applications, it is simply the weight of the chemical applied per lane mile. For liquid applications, it is the weight of the dry chemical in solution applied per lane mile.

Freezing Rain – Super cooled droplets of liquid precipitation falling on a surface whose temperature is below or slightly above freezing. This produces a hard, slick, generally thick coating of ice commonly called a glaze or clear ice. Non-super cooled raindrops falling on a surface whose temperature is well below freezing will also result in glaze.

Frost – Also called hoarfrost. Ice crystals in the form of scales, needles, feathers or fans deposited on the surfaces cooled by radiation or other processes. The deposits may be composed of drops of dew frozen after deposition and of ice formed directly from water vapor at a temperature below 32° F (sublimation). Most often occurs when pavement temperature is 32° F or below and is at or below the Dew Point.

Light Snow – Snow falling at the rate of less than ½ inch per hour; visibility is not affected adversely.

Liquid Chemical – A chemical solution; the weight of the dry chemical in solution applied per lane mile is the chemical application rate.

Moderate to Heavy Snow – Snow falling at a rate of ½ inch per hour or greater; visibility may be reduced.

Sleet – A mixture of rain and snow which has been partially melted by falling through an atmosphere with a temperature slightly above freezing.

Slush – Accumulation of snow which lies on an impervious base and is saturated with water in excess of the freely drained capacity. It will not support any weight when stepped or driven on but will “squish” until the base support is reached.

SPECIAL NOTES ON LIQUID ANTI-ICERS

Do not use Liquid Anti-Icers alone in the following conditions:

- At temperatures below 23° F
- On hard pack, except as part of a pack removal operation
- During a Sleet or Freezing Rain weather event

WEATHER EVENT / MATERIAL APPLICATION RATE GUIDE

Light Snow Storm

PAVEMENT TEMPERATURE RANGE AND TREND	Pavement surface at time of initial operation	INITIAL OPERATION		SUBSEQUENT OPERATIONS		COMMENTS
		Maintenance Action	Chemical Spread Rate (lb / lane -mi)	Maintenance Action	Chemical Spread Rate (lb / lane -mi)	
Above 32°F steady or rising	Dry, wet, slush or light snow cover	None See Comments	Liquid		Solid or pre-wetted solid	1.) Monitor pavement temperature closely for drops toward 32°F and below 2.) Treat icy patches with chemical at 115lbs / lane-mile, plow if needed
Above 32°F, 32°F or below is imminent	Dry	Apply liquid or pre-wetted solid chemical	225		115-170	1.) Application will need to be more frequent at lower temperature and higher snowfall rates 2.) It is not advisable to apply liquid chemicals at the indicated spread rate when pavement temperature drops below 23°F 3.) Do not apply liquid chemical onto heavy snow accumulation or packed snow
					115-170	
Also 20°F to 32°F, remaining in range	Wet slush or light snow cover	Apply liquid or solid chemical	225			If sufficient moisture is present, solid chemical without pre-wetting can be applied
					225	
15°F to 20°F, remaining in range	Dry, wet, slush or light snow cover	Apply liquid or pre-wetted solid chemical			225	1.) Chemicals alone should not be applied 2.) Abrasives can be applied to enhance traction
Below 15°F steady or falling	Dry or light snow cover	Plow as needed				

Notes

CHEMICAL APPLICATIONS

(1) Time and initial and subsequent chemical applications to prevent deterioration conditions or development of packed and bonded snow. (2) Apply chemical ahead of traffic, with periodic reapplication during storm.

WEATHER EVENT / MATERIAL APPLICATION RATE GUIDE

Light Snow Storm with Periods of Moderate or Heavy Snow

PAVEMENT TEMPERATURE RANGE AND TREND	INITIAL OPERATION					SUBSEQUENT OPERATIONS					COMMENTS
	Pavement surface at time of initial operation	Maintenance Action	Chemical Spread Rate (lb / lane -mi)		Maintenance Action	Chemical Spread Rate (lb / lane -mi)					
			Liquid	Solid or pre-wetted solid		Liquid	Solid or pre-wetted solid				
							Light Snow	Heavy Snow	Light Snow	Heavy Snow	
Above 32°F steady or rising	Dry, wet, slush or light snow cover	None See Comments			None See Comments					1.) Monitor pavement temperature closely for drops toward 32°F and below 2.) Treat icy patches with chemical at 115lbs / lane-mile, plow if needed	
Above 32°F, 32°F or below is imminent	Dry	Apply liquid or pre-wetted solid chemical	225	225	Plow as needed; reapply liquid or solid chemical when needed	115 - 170	225	115 - 170	225	1.) Application will need to be more frequent at lower temperature and higher snowfall rates 2.) It is not advisable to apply liquid chemicals at the indicated spread rate when pavement temperature drops below 23°F 3.) Do not apply liquid chemical onto heavy snow accumulation or packed snow	
	Also 20°F to 32°F, remaining in range	Wet slush or light snow cover	Apply liquid or solid chemical	225	225						
15°F to 20°F, remaining in range	Dry, wet, slush or light snow cover	Apply liquid or pre-wetted solid chemical		225	Plow as needed; reapply liquid or solid chemical			225	275	If sufficient moisture is present, solid chemical without pre-wetting can be applied	
Below 15°F steady or falling	Dry or light snow cover	Plow as needed			Plow as needed					1.) Chemicals alone should not be applied 2.) Abrasives can be applied to enhance traction	

Notes

CHEMICAL APPLICATIONS (1) Time and initial and subsequent chemical applications to prevent deterioration conditions or development of packed and bonded snow. (2) Anticipate increases in snowfall intensity. Apply higher rate treatments prior to or at the beginning of heavier snowfall periods to prevent development of packed or bonded snow. (3) Apply chemical ahead of traffic rush period occurring during storm.

WEATHER EVENT / MATERIAL APPLICATION RATE GUIDE

Moderate or Heavy Snow Storm

PAVEMENT TEMPERATURE RANGE AND TREND	Pavement surface at time of initial operation	Maintenance Action	INITIAL OPERATION		SUBSEQUENT OPERATIONS		COMMENTS
			Chemical Spread Rate (lb / lane -mi)	Maintenance Action	Chemical Spread Rate (lb / lane -mi)		
Above 32°F steady or rising	Dry, wet, slush or light snow cover	None See Comments	Liquid	None See Comments	Liquid	Solid or pre-wetted solid	1.) Monitor pavement temperature closely for drops toward 32°F and below 2.) Treat icy patches with chemical at 115-170bs / lane-mile, plow if needed
Above 32°F, 32°F or below is imminent	Dry	Apply liquid or pre-wetted solid chemical	225	Plow accumulation and reapply liquid or solid chemical when needed	115-170	115-170	1.) If desired plowing / treatment frequency cannot be maintained, the spread rate for subsequent operations can be increased to 225lbs / lane-mi to accommodate operations cycles 2.) Do not apply liquid chemical onto heavy accumulations or packed snow
Also 20°F to 32°F, remaining in range	Wet slush or light snow cover	Apply liquid or pre-wetted solid chemical	225	Plow accumulation and reapply liquid or solid chemical when needed	225	225	1.) If desired plowing / treatment frequency cannot be maintained, the spread rate for subsequent operations can be increased to 225lbs / lane-mi to accommodate longer operations cycle 2.) Do not apply liquid chemical onto heavy accumulations or packed snow
25°F to 30°F, remaining in range	Dry	Apply liquid or pre-wetted solid chemical	225	Plow accumulation and reapply liquid or solid chemical when needed	225	275	1.) If desired plowing / treatment frequency cannot be maintained, the spread rate for subsequent operations can be increased to 325lbs / lane mi to accommodate longer operations cycle 2.) Chemicals alone should not be applied
15°F to 20°F, remaining in range	Dry, wet, slush or light snow cover	Pre-wetted solid chemical	225	Plow accumulation and reapply pre-wetted solid chemical	275		1.) Chemicals alone should not be applied 2.) Abrasives can be applied to enhance traction
Below 15°F steady or falling	Dry or light snow cover	Plow as needed		Plow as needed			

Notes

CHEMICAL APPLICATIONS

(1) Time and initial and subsequent chemical applications to prevent deterioration conditions or development of packed and bonded snow - timing and frequency of subsequent applications will be determined primarily by plowing requirements.

(2) Aerial chemical should be applied with normal application during storm

WEATHER EVENT / MATERIAL APPLICATION RATE GUIDE

Freezing Rain Storm

PAVEMENT TEMPERATURE RANGE AND TREND	INITIAL OPERATION		SUBSEQUENT OPERATIONS		COMMENTS
	Maintenance Action	Chemical Spread Rate (lb / lane -mi)	Maintenance Action	Chemical Spread Rate (lb / lane -mi)	
Above 32°F steady or rising	None, see comments		None, see Comments		1.) Monitor pavement temperature closely for drops toward 32°F and below 2.) Treat icy patches with chemical at 70-115lbs / lane-mile Monitor pavement temperatures and precipitation closely
Above 32°F, 32°F or below is imminent	Apply pre-wetted solid chemical	70-115	Reapply pre-wetted solid chemical as needed	70-115	
20°F to 32°F, remaining in range	Apply pre-wetted solid chemical	70-275	Reapply pre-wetted solid chemical as needed	70-275	1.) Monitor pavement temperatures and precipitation closely. 2.) Increase spread rate toward higher indicated rate with decrease in pavement temperature or increase in intensity of freezing rain. 3.) Decrease spread rate toward lower indicated rate with increase in pavement temperature or decrease in intensity of freezing rain.
15°F to 20°F, remaining in range	Apply pre-wetted solid chemical	225-400	Reapply pre-wetted solid chemical as needed	225-400	1.) Monitor precipitation closely. 2.) Increase spread rate toward higher indicated rate with decrease in pavement temperature or increase in intensity of freezing rain. 3.) Decrease spread rate toward lower indicated rate with increase in pavement temperature or decrease in intensity of freezing rain.
Below 15°F steady or falling	Apply abrasives		Apply abrasives as needed		1.) Chemicals alone should not be applied

Notes

- CHEMICAL APPLICATIONS** (1) Time initial and subsequent chemical applications to prevent glaze ice conditions.
(2) Apply chemical ahead of traffic rush period occurring during storm.

WEATHER EVENT / MATERIAL APPLICATION RATE GUIDE Sleet Storm

PAVEMENT TEMPERATURE RANGE AND TREND	INITIAL OPERATION		SUBSEQUENT OPERATIONS		COMMENTS
	Maintenance Action	Chemical Spread Rate (lb / lane -mi)	Maintenance Action	Chemical Spread Rate (lb / lane -mi)	
Above 32°F steady or rising	None, see comments		None, see Comments		1.) Monitor pavement temperature closely for drops toward 32°F and below 2.) Treat icy patches with chemical at 70-115lbs / lane-mile
Above 32°F, 32°F or below is imminent	Apply pre-wetted solid chemical	115-170	Reapply pre-wetted solid chemical as needed	115-170	Monitor pavement temperatures and precipitation closely
20°F to 32°F, remaining in range	Apply pre-wetted solid chemical	115-325	Reapply pre-wetted solid chemical as needed	115-325	1.) Monitor pavement temperatures and precipitation closely. 2.) Increase spread rate toward higher indicated rate with decrease in pavement temperature or increase in intensity of freezing rain. 3.) Decrease spread rate toward lower indicated rate with increase in pavement temperature or decrease in intensity of freezing rain.
15°F to 20°F, remaining in range	Apply pre-wetted solid chemical	225-400	Reapply pre-wetted solid chemical as needed	225-400	1.) Monitor precipitation closely. 2.) Increase spread rate toward higher indicated rate with decrease in pavement temperature or increase in intensity of freezing rain. 3.) Decrease spread rate toward lower indicated rate with increase in pavement temperature or decrease in intensity of freezing rain.
Below 15°F steady or falling	Apply abrasives		Apply abrasives as needed		1.) Chemicals alone should not be applied 2.) abrasives can be applied to enhance traction.

Notes

CHEMICAL APPLICATIONS (1) Time initial and subsequent chemical applications to prevent sleet from bonding to the pavement.
(2) Apply chemical ahead of traffic rush period occurring during storm.

OPERATIONAL PLAN

I. General Procedures

A winter schedule is developed which assigns all Foremen, Equipment Operators, Truck Drivers, and Laborer II to plowing and salting assignments. This schedule takes effect from November 8, 2010 to April 4, 2011. In the event there is snow prior to the scheduled date, implementation of the winter schedule will begin as soon as needed. The Department goal is to have every street in the city plowed at least once within 24 hours after a snow event. This is always dependant on any adverse or continuous weather conditions.

Maintenance staffing levels are based on full utilization of personnel during the snow and ice season. The following guidelines are related to granting leave approvals during this season.

- o Extended leave requests, of four days or more, will be considered and approved subject to two days written notice, if the leave does not jeopardize the City of Buffalo's ability to carry out snow and ice activities.
- o Leave requests of less than four days will be considered and approved subject to two days written notice and on a contingency basis subject to 24hrs notice of denial based upon reported / forecast weather conditions requiring additional snow and ice staffing.
- o Leave requests of one day or less in duration may be approved prior to, at the start of or during a shift to the operating needs of the Department based upon reported / forecast weather conditions.

During a snow event all shifts work for 12-hours (or 16 hour shifts as needed) dividing the personnel based upon equipment availability. All shifts maintain their regular schedules; however, personnel will be offered 4 or 8 hour overtime blocks to supplement the workforce assigned to other shifts, based on need and equipment availability. All other Streets Department duties will cease at of the start of the winter event. The department will place personnel into districts they are familiar with to best of our ability. This will improve the overall efficiency of the Department's snow fighting efforts.

To effectively fight an "average" snowstorm (**up to 10 inches in one day**), each district will have:

- Three (3) salt spreaders with plows to be used on main streets, viaducts and school crossings
- Two (2) high-lifts with plows for residential side streets (**3 for West Side area**).
- One (1) high-lift with bucket to be used for snow removal on dead-end streets, at bus stops, and at school bus areas to improve safety for children getting on and off their bus (as needed).
- Additional snow removal efforts will be made in the downtown business area as a result of meetings with the Downtown Business Association. The meetings were held to discuss services that are provided by the Department, and how they could be improved.

The most treacherous area during any snowstorm is the area along Fuhrman Boulevard. Although technically we are not obligated to plow the skyway entrances and exits that lead to Fuhrman, we make it a point to make sure they are cleared. Due to the blowing and drifting conditions in this area, additional attention is paid here to maintain safe driving conditions. This area typically needs two (2) salt spreaders with plows.

II. Snow Alert Conditions

A snow alert condition is defined as a normal operational condition. No special procedures are required. Regular duties are performed by personnel. During a snow alert condition, our trucks will be assigned to be pre-determined routes. Drivers will be dispatched to their appointed runs to begin spreading salt and plowing as needed. Viaducts and bridges will get special attention, since they are susceptible to icy conditions prior to most roadways.

After trucks are dispatched to their areas, they are in constant communication with our dispatching and radio room network and under the direct supervision of a street sanitation supervisor. All snow-fighting vehicles are in continuous contact with their foreman and other essential personnel.

Vehicles are assigned to every district in the city. However, if there are parts of the City experiencing more snowfall than another, trucks will be reassigned to those areas as needed.

III. Snow Plowing Conditions

When the salt operations no longer are able to handle the snow, snow plowing operations commence. The primary focus in snow plowing is to reach all major streets and arterioles. These major streets and arterioles include bus routes, and those streets that have a hospital, ambulance facility, fire station, and / or police station located on them. This action will ensure the continuous operation of these facilities in the event of an emergency.

When snowplowing operations commence, all city department heads are put on alert. This alert status is required in the event their assistance is needed to supplement the Department of Street – Sanitation (hereinafter referred to as the Department) plowing operations. The Commissioner of the Department retains a listing of the number of vehicles, their types, and qualified personnel from other departments who can operate snow-fighting equipment. After various meetings with the Engineering, Buffalo Sewer Authority, Water, Parking and the Buffalo Municipal Housing Authority, all have agreed to assist in snow removal operations when necessary. All the above mentioned departments have agreed to work in designated areas near their center of operations. However, if it is felt that one area of the city needs more attention, this plan is flexible enough for us to make modifications where needed. This assistance is invaluable when the City enters into Phase II of our snow control plan.

When snow plowing conditions subside we focus then upon clean up and / or removal of snow. This becomes vital to the overall management of snow fighting procedures. Snow that is being removed will be hauled to pre-determined dump sites. The Department returns to Snow Alert Status once the snow removal operations are determined to be under control. Salting once again commences, unless determined otherwise by the Streets Director.

IV. Snow Emergency Conditions

Snow emergency conditions are those when equipment and manpower, due to the excess accumulation of snow, are such that main roads and emergency facilities can no longer be kept clean and safe. A snow emergency is

declared when the Mayor, along with the Commissioner of the Department, determines that the amount of snow falling becomes detrimental to the health, welfare and safety of the public. At this time, all City Department heads are put on alert status, and told to activate their equipment and manpower.

A command center is immediately activated in the ground floor office at the Broadway Garage. The Command Center will have a dedicated phone line, with other phones being made available at the garage. All essential phone numbers, including police stations, fire stations, hospitals, NYS Regional Offices, NYSDOT offices and local media are prominently displayed. Enlarged drawings of each of the districts will also be prominently displayed to track the progress of snow fighting in each district. The Mayor's Director of Communications will coordinate all media inquiries unless otherwise designated, which will be handled through the Command Center. This person(s) is assigned by the Commissioner. The Command Center will remain active until the City has been taken off snow emergency status, and has returned to either snow plowing or snow alert status.

The media will be notified to alert residents and businesses of the emergency status within the city, as well as driving bans that may be in effect.

Since the 1999-2000 winter seasons, a parking ordinance has been in effect during snow emergency conditions. The rules involve an "Odd – Even" system of parking. When a snow emergency is declared by the Mayor, if the date is an even date, for example January 2nd, residents must park on the even side of the street (the side of the street with even addresses). Notification of emergency status, driving bans, and changes in parking rules will be broadcast through local television and radio stations. Where parking restrictions become problematic, off-street parking locations have been identified. We have identified areas for off-street parking, and have made agreements with the owners to utilize their property during emergency conditions. The agreements with the owners state that we will plow the lots for the owner in return for letting neighborhood cars park there to alleviate parking problems during snow plowing and removal.

In some instances, the variety of city parking policies can be an issue when snow needs to be cleared from a street in a timely manner. Island streets, 9-4 parking streets, dead-end streets, and streets that have parking all the time on one side or both sides may create problems.

If needed outside contractors are enlisted to assist in snow fighting operations. The contractors either report to the Broadway Garage or to a pre-

9-4 parking streets, dead-end streets, and streets that have parking all the time on one side or both sides may create problems.

If needed outside contractors are enlisted to assist in snow fighting operations. The contractors either report to the Broadway Garage or to a pre-determined area where they work under the direct supervision of departmental supervisors.

The department is aware of all streets considered primary, secondary, bus routes, and streets that encompass emergency facilities within the City. The NYS Thruway, Route 33, I-198 and the Elm – Oak arterial, are the responsibility of the NYSDOT and the NYS Thruway Authority. The Department remains in constant communications with these two (2) agencies throughout any snow emergency.

V. Residential Street Protocol

Within 24 hours of a snow event, the Department's goal is to complete at least one (1) snowplow pass on every residential street in the City of Buffalo. The first priority is to always keep primary (main) streets and evacuation routes clear. Because of this, snow accumulation on some residential streets may be greater than usual during severely heavy and continuous snow storms.

City of Buffalo Streets Department Fleet

Number	Year	Make	Description	Plow
S-507	1996	John Deere	Wheel loader	Blower
S-510	1996	John Deere	Wheel loader	10' rev
S-511	1996	John Deere	Wheel loader	Blower
S-514	2006	John Deere	Wheel loader	10' rev
S-515	2006	John Deere	Wheel loader	10' rev
S-516	2006	John Deere	Wheel loader	10' rev
S-517	2006	John Deere	Wheel loader	10' rev
S-518	2007	John Deere	Wheel loader	10' rev
S-519	2007	John Deere	Wheel loader	10' rev
S-520	2007	John Deere	Wheel loader	10' rev
S-521	2007	John Deere	Wheel loader	10' rev
S-522	2008	John Deere	Wheel loader	10' rev
S-523	2008	John Deere	Wheel loader	10' rev
S-524	2008	John Deere	Wheel loader	10' rev
*S-525	2008	John Deere	Wheel loader	10' rev

**Latest additions to fleet*

Number	Year	Make	Description	Spreader	Plow /Wing
*E-634	2009	Volvo	TA dump 18'	18' insert	10' rev
*E-627	2009	Volvo	TA dump 18'	18' insert	10' rev
*S-78	2009	Sterling	TA dump 16'	16' insert	10' rev /wing
*S-77	2009	Sterling	TA dump 16'	16' insert	10' rev /wing
S-76	2008	Sterling	TA dump 16'	16' insert	10' rev /wing
S-75	2008	Sterling	TA dump 16'	16' insert	10' rev /wing
S-74	2008	Sterling	TA dump 16'	16' insert	10' rev /wing
S-73	2008	Sterling	TA dump 16'	16' insert	10' rev /wing
S-72	2008	Sterling	TA dump 16'	16' insert	10' rev /wing
S-71	2008	Sterling	TA dump 18'	17' insert	10' rev
S-70	2008	Sterling	TA dump 18'	17' insert	10' rev
S-69	2008	Sterling	TA dump 18'	17' insert	10' rev
S-68	2008	Sterling	TA dump 18'	17' insert	10' rev
S-67	2008	Sterling	TA dump 18'	17' insert	10' rev
S-66	2007	Sterling	TA dump 16'	16' insert	10' rev
S-65	2007	Sterling	TA dump 16'	16' insert	10' rev
S-64	2007	Sterling	TA dump 16'	16' insert	10' rev
S-63	2007	Sterling	TA dump 16'	16' insert	10' rev
S-62	2006	Sterling	TA dump 16'	16' insert	10' rev
S-61	2006	Sterling	TA dump 16'	16' insert	10' rev
S-60	2006	Sterling	TA dump 16'	16' insert	10' rev
S-59	2006	Sterling	TA dump 16'	16' insert	10' rev
S-58	2005	Volvo	TA dump 18'	17' insert	10' rev
S-57	2005	Peterbilt	TA dump 16'	16' insert	10' rev
S-56	2004	Volvo	TA dump 16'	16' insert	10' rev /wing
S-55	2004	Volvo	TA dump 16'	16' insert	10' rev /wing
S-53	2003	Volvo	TA dump 18'	17' insert	10' rev
S-52	2003	Volvo	TA dump 18'	17' insert	10' rev
S-51	2002	Volvo	TA dump 18'	17' insert	10' rev
S-50	2002	Volvo	TA dump 18'	17' insert	10' rev
S-49	2002	Volvo	TA dump 18'	17' insert	10' rev
S-48	2000	Volvo	TA dump 16'	16' radius	10' rev
S-47	2000	Volvo	TA dump 16'	16' radius	10' rev
S-46	2000	Volvo	TA dump 16'	16' radius	10' rev
S-44	2000	Volvo	TA dump 16'	16' radius	10' rev
S-43	2000	Volvo	TA dump 16'	16' radius	10' rev
S-41	2000	Volvo	TA dump 16'	16' radius	10' rev
S-40	1999	Freightliner	SA dump 10'	10' radius	10' rev
S-39	1999	Freightliner	SA dump 10'	10' radius	10' rev
S-38	1999	Freightliner	SA dump 10'	10' radius	10' rev
S-37	1999	Freightliner	SA dump 10'	10' radius	10' rev
S-36	1999	Freightliner	SA dump 10'	10' radius	10' rev
S-35	1998	Freightliner	SA dump 10'	10' radius	10' rev /wing
S-34	1998	Freightliner	SA dump 10'	10' radius	10' rev /wing
S-33	1998	Freightliner	SA dump 10'	10' radius	10' rev /wing
S-32	1998	Freightliner	SA dump 10'	10' radius	10' rev /wing
S-31	1998	Freightliner	SA dump 10'	10' radius	10' rev /wing
S-30	1998	Freightliner	SA dump 10'	10' radius	10' rev /wing
S-29	1996	Volvo	TA dump 18'	only	10' rev
S-28	1996	Volvo	TA dump 18'	only	10' rev
S-27	1996	Volvo	TA dump 18'	only	10' rev
S-19	1991	Mack	TA dump 18'	17' mount	10' rev
S-18	1990	Mack	TA dump 18'	17' insert	10' rev
S-17	1990	Mack	TA dump 18'	17' mount	10' rev
S-259	2006	GMC	SA dump 10'	8' insert	9' rev
S-260	2006	GMC	SA dump 10'	8' insert	9' rev
*S-270	2008	GMC	SA dump 10'	8' insert	9' rev
*S-271	2008	GMC	SA dump 10'	8' insert	9' rev
*S-272	2008	GMC	SA dump 10'	8' insert	9' rev

*Latest additions to fleet

Snow Drift Areas

1. Delaware District

- ❖ Chapin Pkwy – Gates Circle to Forest & Soldiers Place
- ❖ Colvin – Amherst to Linden
- ❖ Delaware – Hertel to Kenmore – Nottingham to Forest (Both Sides)
- ❖ Main – Kenmore to Niagara Falls Blvd.
- ❖ Kenmore – Main to Capen
- ❖ Hecla – Kenmore to St. Lawrence
- ❖ Parkside – Starin to Tacoma – Humboldt to Jewitt Pkwy

2. Ellicott District

- ❖ Louisiana – Miami to South
- ❖ Ohio – All
- ❖ South Street – All
- ❖ Ganson Street – All
- ❖ Hamburg – Republic to South
- ❖ Griffin & Exchange
- ❖ All Dead Ends off Republic – Kentucky; Tennessee; Vincennes; Alabama; Vandalia; Hopkins (Bell to Tiff)
- ❖ Emslie – Howard to William
- ❖ Jefferson – Swan to Clinton
- ❖ Spring – Seneca to Clinton
- ❖ Pine – Clinton to Swan
- ❖ South Division – Pine to Swan
- ❖ Eagle – Michigan to Swan
- ❖ Pine – South Division to Broadway
- ❖ William – Michigan to Jefferson
- ❖ Hickory – South Division to Broadway

3. Fillmore District

- ❖ Memorial Drive
- ❖ Mills
- ❖ Lathrop
- ❖ Walden & Sycamore
- ❖ Gibson – By Sattlers Parking Lot
- ❖ Sprenger – Hemmingway to Doat
- ❖ Countess – Genesee to Hemmingway
- ❖ Sycamore – Howlett to Gittere
- ❖ Curtiss – Peckham to Newton

4. Lovejoy District

- ❖ Weiss & Dingens
- ❖ Dorothy near Gilbert
- ❖ Ogden & Richard Drive
- ❖ Depot near Howard
- ❖ Central near Lovejoy
- ❖ William across US Post Office
- ❖ Greene & King
- ❖ Babcock near William
- ❖ James E. Casey
- ❖ Bailey – William to Clinton
- ❖ South Ogden near Mineral Springs
- ❖ Fillmore & William
- ❖ Elk near Babcock

5. Niagara District

- ❖ Niagara – Porter to Connecticut
- ❖ Niagara – Hampshire to Busti
- ❖ Niagara – Potomac to Bird
- ❖ 7th Street – Massachusetts to Busti
- ❖ 7th Street – Porter to Connecticut
- ❖ Busti – Hampshire to Massachusetts
- ❖ Busti – Vermont to Porter
- ❖ Prospect – Porter to Connecticut

6. North District

- ❖ Race & Military; Military – Hertel – Hinman Brass Plant
- ❖ River Rock Drive
- ❖ Tonawanda – Crowley to Vulcan
- ❖ Niagara – Ontario to Vulcan
- ❖ Elmwood – Hertel to Kenmore
- ❖ Seabrook – Vulcan to Roesch
- ❖ Page – Lawn to Race

7. University District

- ❖ Bailey to Main
- ❖ Fillmore at Delavan
- ❖ Grider from Pembroke – Kensington
- ❖ Manhattan Central Park to Grill
- ❖ Berkshire – Parkridge top Amherst
- ❖ Eggert – Expressway to Delavan
- ❖ Kensington – Grider to Fillmore

Note: Where practical, these are potential snow fence locations.

Primary Streets

STREET NAME	FROM	TO	DISTRICT	MILES OF STREET	AVERAGE WIDTH	# OF PASSES	MILES PLOWED
Main	Goodell	Bailey	Delaware / North	6	60'	6	36
Delaware	Church	Kenmore	Delaware / North	5.1	67'	6	30.6
Elmwood	Eagle	Kenmore	Delaware / North	4.3	56'	6	25.8
Hertel	Niagara	Main	North	3.9	55'	5	19.5
Kenmore	Vulcan	Main	North	4.5	20'	2	10
Amherst	Niagara	Main	North	3.3	42'	4	13.2
Parkside	Agassiss	Starin	North	1.7	50'	5	8.5
Ontario	Niagara	Kenmore	North	1.3	40'	4	5.2
Tonawanda	Niagara	Kenmore	North	2.1	43'	4	8.4
Niagara	Eagle	City Line	Niagara / North	5	60'	6	30
Richmond	North	Forest	Niagara / Delaware	1.7	50'	5	8.5
Porter	LaSalle	Richmond	Niagara	1	50'	5	5
Humboldt	Gillette	Parkside	Masten / North	0.3	26'	3	0.9
Humboldt	Northampton	East Delavan	Masten	0.5	40'	4	2
Humboldt	Northampton	Agassiss Circle	Masten	1	40'	4	4
Genesee	Main	City Line	Masten / Fillmore	4.3	58'	6	25.8
East Ferry	Main	Bailey	Masten / Fillmore	1.4	40'	4	5.6
Sycamore	Oak	Walden	Masten / Fillmore	2.7	42'	4	10.8
Broadway	Niagara Square	City Line	Masten / Ellicott	3.8	60'	6	22.8
Clinton	Pine	City Line	Masten / Ellicott	3.4	60'	6	20.4
Ohio	Michigan	Fuhrman Blvd.	Ellicott	1.6	42'	4	6.4
South Park	Main	City Line	Ellicott / South	4.6	49'	5	23
Seneca	Terrace	City Line	Ellicott / South	4.7	47'	5	23.5
Abbott	South Park	Lackawanna	South	2.2	41'	4	8.8
Fuhrman Blvd	City Ship Canal	City Line	South	3.1	42'	4	13.2
Tift	Fuhrman Blvd.	McKinley	South	2.1	42'	4	8.4
Hopkins	South Park	Botanical Gardens	South	1.4	40'	4	5.6
North Ogden	William	Broadway	Lovejoy	0.9	40'	4	3.6
North Ogden	Mineral Springs	William	Lovejoy	1.4	40'	4	5.6
William	Broadway	South Ogden	Lovejoy / Ellicott	3.6	58'	6	21.6
Kensington	Main	Eggert	University	2.9	40'	4	11.6
Bailey	South Park	Main	Multiple	7	58'	6	42
Michigan	Ohio	Main	Multiple	3	42'	4	12
Fillmore	Smith	Main	Multiple	4.5	50'	5	22.5
Jefferson	Exchange	Main	Multiple	3.4	48'	5	17

Secondary Streets

STREET NAME	FROM	TO	DISTRICT	MILES OF STREET	AVERAGE WIDTH	# OF PASSES	MILES PLOWED
Swan	Pearl	Michigan	Ellicott	.6	38'	4	2.4
South Division	Main	Michigan	Ellicott	.3	36'	4	1.2
North Division	Main	Michigan	Ellicott	.3	32'	3	.9
Eagle	Upper Terrace	Michigan	Ellicott	.5	44'	4	2
West Mohawk	Niagara	Main	Ellicott	.4	40'	4	1.6
Upper Terrace	Main	Elmwood	Ellicott	.2	34'	3	.6
Church	Upper Terrace	Main	Ellicott	.4	60'	6	2.4
Court	Seventh	Main	Ellicott	.4	48'	5	2
Perry	Michigan	Smith	Ellicott	1.3	36'	4	5.2
Elk	South Park	Smith	Ellicott	1.2	42'	4	4.8
Emslie	Seneca	Broadway	Ellicott	1.1	28'	3	3.3
Smith	South Park	Fillmore	Ellicott	.7	38'	4	2.8
Howard	Jefferson	Smith	Ellicott	.7	28'	3	2.1
South	Louisiana	Hamburg	Ellicott	.3	30'	3	.9
Hamburg	South	Seneca	Ellicott	.9	38'	4	3.6
Louisiana	Ohio	Seneca	Ellicott	1	42'	4	4
Elk	Smith	Bailey	Ellicott	1	42'	4	4
Washington	Tupper	South Park	Ellicott	1.3	42'	4	5.2
Ellicott	Seneca	Tupper	Ellicott / Masten	1.1	44'	4	4.4
Oak	Tupper	Seneca	Ellicott / Masten	1.1	48'	5	5.5
Elm	Seneca	Tupper	Ellicott / Masten	1.1	48'	5	5.5
Huron	Niagara	Oak	Ellicott / Masten	.5	38'	4	2
Chippewa	Elmwood	Genesee	Ellicott / Masten	.4	38'	4	1.6
Tupper	Elmwood	Michigan	Ellicott / Masten	.4	30'	3	1.2
Goodell	Main	Expressway	Masten	.4	44'	4	1.6
Cherry	Michigan	Expressway	Masten	.1	32'	3	.3
Northland	Main	Grider	Masten	.8	30'	3	2.4
Carlton	Main	Jefferson	Masten	.7	30'	3	2.1
Northampton	Main	Fillmore	Masten	1.1	28'	3	3.3
Best	Genesee	Main	Masten	1.5	42'	4	6
Masten	North	Main	Masten	1.2	30'	3	3.6
East Utica	Main	Fillmore	Masten	1.3	32'	4	5.2
Forest	Niagara	Delaware	Delaware / Niagara	1.6	47'	5	8
Pearl	Tupper	Upper Terrace	Ellicott / Niagara	1	46'	5	5
Franklin	Upper Terrace	Tupper	Ellicott / Niagara	1	38'	4	4

Secondary Streets Contd.

STREET NAME	FROM	TO	DISTRICT	MILES OF STREET	AVERAGE WIDTH	# OF PASSES	MILES PLOWED
West Ferry	Niagara	Main	Niagara	1.8	44'	4	7.2
Massachusetts	Busti	West Ferry	Niagara	.8	30'	3	2.4
West Utica	Massachusetts	Main	Niagara	1.2	42'	4	4.8
West Delevan	Niagara	Main	Niagara	1.8	40'	4	7.2
Lafayette	Niagara	Main	Niagara	1.8	38'	4	7.2
Grant	Hampshire	Military	Niagara	2	36'	3	6
Hampshire	Busti	West Ferry	Niagara	.8	32'	3	2.4
Elk	South Park	Seneca	Ellicott / South	1.5	46'	5	7.5
Southside	South Park	Seneca	South	1	34'	3	3
North Legion	Southside	Cazenovia	South	.8	38'	4	3.2
South Legion	Southside	Cazenovia	South	.8	28'	3	2.4
Cazenovia	Abbott	Seneca	South	.4	42'	4	1.6
McKinley	Dorrance	Bailey	South	1.8	54'	5	9
Red Jacket	McKinley	Abbott	South	.2	50'	5	1
Stevenson	Abbott	Seneca	South	.3	32'	3	0.9
Woodside	South Park	Potters	South	1	28'	3	3
Elk	Bailey	Seneca	South	.2	40'	4	0.8
Indian Church	Seneca	Fields	South	.4	36'	4	1.6
Cazenovia Pkwy	Seneca	Abbott	South	.6	Varies	2	1.2
Cazenovia Pkwy	Seneca	Cazenovia	South	.2	Varies	2	0.4
Potters	Abbott	City Line	South	.7	28'	3	2.1
East Amherst	Main	Bailey	University	1.4	40'	4	5.6
Eggert	East Delevan	City Line	University	1.4	36'	4	5.6
Winspear	Main	Eggert	University	1.1	40'	4	4.4
Dewey	Main	Castle	University	.8	28'	3	2.4
Olympic	Delevan	Kensington	University	.8	34'	3	2.4
Parkridge	Kensington	Winspear	University	.8	28'	3	2.4
Comstock	Kensington	Winspear	University	.8	28'	3	2.4
Suffolk	Delevan	Winspear	University	1.6	28'	3	4.8
Walden	Genesee	City Line	Fillmore	1.9	42'	4	7.6
Paderewski	Smith	NY Central	Fillmore	.4	40'	4	1.6
Herman	Broadway	Best	Fillmore	.7	30'	3	2.1
Peckham	Smith	Memorial	Fillmore	.2	40'	4	0.8
Memorial	William	Broadway	Fillmore	.8	50'	5	4
Doat	Genesee	City Line	Fillmore	1.1	32'	3	3.3
Sprenger	Genesee	Doat	Fillmore	.2	30'	3	0.6
Hinman	Military	Delaware	North	.9	34'	3	2.7

Secondary Streets Contd.

STREET NAME	FROM	TO	DISTRICT	MILES OF STREET	AVERAGE WIDTH	# OF PASSES	MILES PLOWED
Tacoma	Delaware	Starin	North	1.8	28'	3	5.4
Starin	Kenmore	Amherst	North	1.2	40'	4	4.8
Vulcan	Niagara	Kenmore	North	.9	18'	2	1.8
Esser	Tonawanda	Skillen	North	.6	30'	3	1.8
Hotaling	Tonawanda	Niagara	North	.2	36'	4	.8
Sanders	Delaware	Hobmoor	North	.6	28'	3	1.8
St. Lawrence	Delsan	Starin	North	.6	28'	3	1.8
Shoshone	Tauton	Hertel	North	.4	28'	3	1.2
Depew	Main	Parkside	North	.6	40'	4	2.4
Linden	Delaware	Parkside	North	.7	40'	3	2.1
Jewett	Parkside	Main	North	.4	30'	3	1.2
Niagara Falls Blvd.	Main	Kenmore	North	.3	40'	4	1.2
Nottingham	Elmwood	Amherst	North	1.1	32'	3	3.3
Austin	Military	Niagara	North	.6	36'	4	2.4
Military	Amherst	Kenmore	North	1.5	42'	4	6
Colvin	Amherst	Kenmore	North	1.2	50'	5	6
Parker	Main	Tauton	North	1	30'	3	3
Babcock	William	Elk	Lovejoy	.6	36'	4	2.4
Stanley	Bailey	Greene	Lovejoy	.2	30'	3	.6
Vanderbilt	Greene	Schiller	Lovejoy	.4	28'	3	1.2
Ludington	Bailey	City Line	Lovejoy	.7	28'	3	2.1
Dingens	Bailey	City Line	Lovejoy	.8	36'	4	3.2
Frank	Mineral Springs	Field	Lovejoy	.2	26'	3	.6
North Ogden	Broadway	Richard	Lovejoy	.2	40'	4	.8
Richard	North Ogden	South Ogden	Lovejoy	.1	30'	3	.3
South Ogden	Richard	Mineral Springs	Lovejoy	.4	40'	4	1.6
Mineral Springs	Seneca	South Ogden	Lovejoy	.6	36'	4	2.4
North	Main	Richmond	Delaware	.6	30'	3	1.8
Allen	Wadsworth	Main	Delaware	.5	36'	4	2
Linwood	North	Delevan	Delaware	1.4	38'	4	5.6
Lincoln Pkwy	Bidwell	Forest	Delaware	.4	44'	4	1.6
Bidwell Pkwy	Richmond	Lincoln Pkwy	Delaware	.6	70'	6	3.6
Chapin Pkwy	Lincoln Pkwy	Lafayette	Delaware	.5	70'	6	3

Island and Cul-de-sac Streets

District 10

Dorchester/Niagara
Days Park/Ellicott
Argyle/North
Johnson Pkwy/Ellicott
St Catherine Ct/Delaware
Arlington Pkwy/Ellicott

District 12

Pelham/University
Allenhurst/University
Capen/University
Lincoln/Delaware/North
Penhurst/Delaware
Radcliff/University
Larchmont/Larchmont
University/University
Middlesex/Delaware
Shoreham/North
Fordham/North
Bedford/North
Chatham/North
Middlebury/North
Randwood/North
New Amsterdam/Delaware

District 14

Linden/Ellicott
Norway/Ellicott
Viola/Masten
Beverly/Masten
Brunswick/Masten

District 15

Roanoke/South
Seminole/South
St. Mary/Lovejoy
Academy/Lovejoy

District 16

Ridgewood/South
Culver/South
Harding/South
Coolidge/South
Tuscarora/South

Duane/Delaware
Linview Terrace/Delaware
Willowlawn/Delaware

Emergency Routes

NFTA Metro Primary Emergency Bus Routes

BUS #	ROUTE	FROM	TO	MILES OF STREET
1	William	Downtown	Lovejoy / Goethe	4.4
2	Clinton	City Hall	Fernwood	4.4
3	Grant	Downtown	Vulcan, via Grant and Skillen	7.2
4	Broadway	Downtown	City Line	4.4
5	Niagara	Downtown	Vulcan	6.4
6	Sycamore	Waterfront	Randolf	5.3
7	Baynes / Richmond	Downtown	Forest / Richmond, via Franklin, North, Richmond, Baynes	4.4
8	Main	Downtown	City Line	6.2
11	Colvin	Downtown	City Line, via Delaware, Amherst and Colvin	6.3
12E	East Utica	Main & Utica	Kensington / Hunley, via East Utica, French, Kehr, Ferry, Bailey, Langfield, Eggert and Kensington	8.5
12W	West Utica	Main & Utica	Bailey / Highgate, via Main / Ferry, Grider and Kensington / Bailey	4.8
14	Abbott	Downtown	Abbott / Greenwood, via South Park and Abbott	6.6
15	Seneca	Downtown	City Line	5.3
16	South Park	Downtown	City Line	6.1
17	Kensington / Williamsville	Delevan Station	City Line, via Main and Kensington	7.1
18	Jefferson	Delevan Station	Delevan and Jefferson	7.4
19	Bailey	Campus Station Bailey	McKinley Circle	10.1
20	Elmwood	Downtown	City Line	5.8
22	Porter / Best	Lakeview / Jersey	Walden / Bailey, via Porter, Summer and Best	4.7
23	Fillmore / Hertel	South Park / Lee	Watergate Apartments, via Fillmore, Main, and Hertel	9.8
24	Genesee	Amtrak Buffalo	City Line	5
25	Delaware	Downtown	City Line	6.1
26	Delevan	Delevan / Niagara	Delevan / Preston	5.5
29	Wholers	Main / Jefferson	Hudson / Effner	4.9
30	Kenmore	Main / Bailey	Tonawanda / Vulcan, via Main, Kenmore, Military, Ontario, Niagara and Tonawanda	5.3
31	Ogden / Tifft	Broadway / Bailey	Nasson Loop, via McKinley Circle	6.8
	Babcock	William	Clinton	
	Babcock	William	Babcock Station (Used By All Buses)	0.2
	Babcock	Clinton	Babcock Station (Used By Service Trucks, Not Buses)	0.5
39	Parker	Kenmore	via Starin, Parkside, Florence, Main and Delevan	

Streets Around Hospitals

STREET NAME	FROM	TO	DISTRICT	MILES OF STREET	AVERAGE WIDTH	# OF PASSES	MILES PLOWED
Choate	South Park	Abbott	South	.6	28'	3	1.8
Lorraine	Abbott	McKinley	South	.2	28'	3	.6
Hodge	Ashland	Delaware	Delaware	.3	30'	3	.9
Bryant	Richmond	Main	Delaware	.8	28'	3	2.4
Carolina	Seventh	Niagara	Delaware	.1	30'	3	.3
Grider	East Ferry	Leroy	University	1.2	37'	4	4.2
Benwood	Main	East Morris	University	.2	30'	3	.6
Kingsley	Humboldt	Wohlers	Masten	.1	26'	3	.3
High	Main	Michigan	Masten	.3	30'	3	.9
Goodrich	Elk	Michigan	Masten	.2	30'	3	.6
Barton	Auburn	Lafayette	Niagara	.1	26'	3	.3
Seventh	Court	Carolina	Ellicott	.3	38'	4	1.2
Pine	Swan	Broadway	Ellicott	.8	36'	4	3.2



Viaduct List

I. District 1

- **Subway or Overpass**
 - ☐ Porter Avenue over Thruway

II. District 2

- **Bridge or Viaduct**
 - ☐ Military Rd. – North of Chandler
 - ☐ Military Rd. – South of Hinman
 - ☐ Tonawanda St – at Amherst
 - ☐ Austin St – East of Tonawanda St.
 - ☐ Niagara St – North of Tonawanda St (2 Subways)
 - ☐ Skillen St – Between Ontario and Military Rd
 - ☐ Hertel Ave. – Between Military and Tonawanda St
 - ☐ Niagara St. – near Forest
 - ☐ Hamilton – Austin – Hertel – from Niagara to dead-end, Hertel west of Niagara
 - ☐ Delaware Ave – between Knox and Linden
 - ☐ Colvin Ave – between Crescent and Linden
 - ☐ Parkside Ave – Between Depew and Linden
- **Subway or Overpass**
 - ☐ Main St – between Jewitt and Rodney
 - ☐ Main St – at Kensington
 - ☐ Grant St – South of Amherst over Thruway

III. District 3

- **Bridge or Viaduct**
 - ☐ Fillmore and Northland
 - ☐ East Ferry – West of Grider
 - ☐ Suffolk – between Oakmont and Roosevelt
- **Subway or Overpass**
 - ☐ Kensington Ave – between East and West Humboldt
 - ☐ East Ferry – between Humboldt Pkwy and Expressway
 - ☐ Fillmore – South of Kensington
 - ☐ Deerfield Ave – between Kensington and Pembroke
 - ☐ East Utica – between Fillmore and Wohlers
 - ☐ Best – Linden and Herman
 - ☐ Best – between Herman and Expressway

IV. District 4

- **Bridge or Viaduct**
 - ☐ French – between Barthel and Kehr
 - ☐ Fougerson between Barthel and Kehr
 - ☐ Delevan and Olympic
 - ☐ Genesee St – Between Colorado and Leslie
 - ☐ Walden Ave – Walden and Sycamore
 - ☐ Genesee St – between Wadmuth and Roetzer
 - ☐ Goodyear – between Sycamore and Empire
 - ☐ Miller – between Sycamore and Empire
 - ☐ Sycamore St – between Lathrop and Howlett

- ☐ Broadway at Memorial Drive
- ☐ East Ferry – between Colorado and Leslie
- ☐ North Doat – between Rapin and Rustic
- ☐ East Ferry – West of Grider St
- ☐ Swan and Seneca
- ☐ Van Rensselaer – between Perry and Exchange
- ☐ Louisiana St – between and Seneca and Thruway
- ☐ Ohio – South of Ganson
- ☐ Smith St – between Perry and Thruway
- ☐ Clinton and Bond
- ☐ Emslie and Eagle
- **Subway or Overpass**
 - ☐ Bailey Ave – between West Shore and Broadway
 - ☐ East Ferry – between Humboldt and Expressway
 - ☐ Michigan – between Scott and Seneca
 - ☐ Hamburg St – between Seneca and Fulton
 - ☐ Seneca St – between Hamburg and Larkin
 - ☐ Hamburg and Expressway at Perry
 - ☐ South Park – between Katherine and Elk
 - ☐ South Park over Buffalo River
 - ☐ Elk St – between Smith and Lee
 - ☐ Ohio Street – between Ganson and Fuhrman Blvd

V. District 5

- **Bridge or Viaduct**
 - ☐ Clinton and Fillmore
 - ☐ William and Fillmore
 - ☐ William and Ogden
 - ☐ Broadway and North Ogden
 - ☐ Smith and Oneida
 - ☐ Bailey Ave – between William and Dingens
 - ☐ Clinton – between Olsen and Roberts
 - ☐ Perry and Milton
 - ☐ Howard – East of Fillmore
 - ☐ Babcock and Quinn
- **Subway or Overpass**
 - ☐ South Ogden St – between Griswald and Dingens
 - ☐ Bailey Ave – between Seneca and Clinton
 - ☐ Bailey Ave – between Stanley and Broadway
 - ☐ Babcock – between Seneca and Clinton
 - ☐ South Ogden – between Mineral Springs and Seward

Off Street Parking Sites

Delaware District

1466 Hertel Ave.

1509 Hertel Ave.

Ellicott District

339 Hudson across Orton

198 Allen St.

252 Allen St.

92, 102, 104 Orange St.

Fillmore District

843-849 Seneca St.

132, 134 Clare St.

248 Gibson

1193 Broadway

612 Fillmore

Lovejoy District

1111 Lovejoy Ave.

1177 Lovejoy Ave.

Masten District

1406 Fillmore Ave.

866 Delavan

**1354 Jefferson Ave.*

**283-289 Glenwood*

Niagara District

182-186 Grant St.

6 Essex St.

304 West Utica St.

301 Bryant St.

**37, 43, 53, 55 Auchinvole*

**274, 278, 280 Breckenridge*

North District

569-573 Forest

195 Military

378, 380 Military

394, 396 Hertel Ave.

186 Hertel Ave.

641 Hertel Ave.

817 Tonawanda St. (*backed up to Troy Pl.*)

Foot of Farmer

South District

2317 Seneca St.

University District

18 W. Winspear

22-26 Heath St.

3274 Main St.

3102 Bailey Ave.

**Denotes same lot with 2 different access addresses*

City of Buffalo Fuel Sites

Parks Garage

1 Meadow View Terr.
Unleaded / Diesel
4000 Gal. (U/L)
4000 Gal. (Diesel)
Phone: 884-9601

Police Garage

341 Seneca St.
Unleaded / Diesel
8000 Gal. (U/L)
3000 Gal. (Diesel)
Phone: 851-4709

Broadway Garage

197 Broadway
Diesel
12000 Gal. Tank
Phone: 851-5347

Engine 25

So. Side/Seneca
Diesel
1000 Gal. Tank
Phone: 827-8977

Engine 31

2025 Bailey/Doat
Diesel
1000 Gal. Tank
Phone: 896-4960

Engine 34

2837 Main/Mercer
Unleaded
550 Gal. Tank
Phone: 834-4612

Engine 1

132
So.Division/Ellicott
Diesel
1000 Gal. Tank
Phone: 851-5969

Engine 4

935 Abbott/Hollywood
Unleaded
500 Gal. Tank
Phone: 827-8457

Engine 37

500 Rh.Island
Diesel
1000 Gal. Tank
Phone: 884-1526

Engine 3

609 Broadway
Diesel
1000 Gal. Tank
Phone: 851-4425

Engine 16

Jefferson/Kingsley
Diesel
1000 Gal. Tank
Phone: 884-1839

Engine 32

700 Seneca/Swan
Diesel
1000 Gal. Tank
Phone: 851-4804

Broadway Lube

Main Floor
197 Broadway
Phone: 851-5941

Broadway Lube

Mechanic's Shop
197 Broadway
Phone: 851-4556

Engine 38

Colvin/Linden
Diesel
1000 Gal. Tank
Phone: 851-4864

Buffalo Police Department

**Police Headquarters
851-4444
74 Franklin St, Buffalo, NY 14202**

**A – DISTRICT 851-4409
851-4415
1847 South Park Ave, Buffalo 14220
Chief Patrick Pascall
Captain Henry Baranski
Captain Philip Serafini**

**B – DISTRICT 851-4403
695 Main Street, Buffalo 14202
Chief Brian Patterson
Captain Michael Manzella
Captain William Blake**

**C – DISTRICT 851-4412
693 East Ferry Street, Buffalo 14211
Chief Marcia Scott
Captain William Cusella
Captain Mike McCarthy**

**D – DISTRICT 851-4413
669 Hertel Avenue, Buffalo 14213
Chief Anthony Barba
Captain Gregg Blossat
Captain James Fagan**

**E – DISTRICT 851-4416
2767 Bailey Ave, Buffalo 14215
Chief Fred D. Young
Captain David Stabler**

Buffalo Fire Department
Headquarters: 851-5333

Service Station

**855-8722
Court & Staats**

Fire Prevention Bureau

**851-5707
312 City Hall**

Fire Investigation Bureau

**851-4515
155 Ohio Street**

Fire Training Bureau

**681-1011
3359 Broadway,
Cheektowaga 14225**

Fire Communications

851-5510 - 332 Ellicott

Block

- ♦ **Engine 1 - Ladder 2** **855-9790**
112 Ellicott and South Division

District 1

- ♦ **Engine 2** **886-0925**
376 Virginia & Elmwood
- ♦ **Engine 21 – Ladder 6 – Rescue 1** **881-9803**
1229 Jefferson and Kingsley
- ♦ **Engine 19** **886-9216**
219 Forest Ave. & Hawley
- ♦ **Engine 37 – Ladder 4** **886-8886**
500 Rhode Island and Chenango

District 2

- ♦ **Engine 26** **877-9336**
703 Tonawanda & Progressive
- ♦ **Engine 36 – Ladder 13** **877-9453**
860 Hertel Ave.
- ♦ **Engine 38** **877-9243**
398 Linden and Colvin

District 3

- ♦ **Engine 23** **851-5913**
3226 Bailey & Hewitt
- ♦ **Engine 31 – Ladder 14** **851-9679**
2044 Bailey Ave
- ♦ **Engine 33** **896-9025**
1720 Fillmore & Buehl
- ♦ **Engine 34 – Ladder 7** **836-9570**
2837 Main and Mercer

District 4

- ♦ **Engine 4** **825-8919**
939 Abbott and Hollywood
- ♦ **Engine 22** **896-9101**
1528 Broadway (near Wick)
- ♦ **Engine 32 – Ladder 5** **855-8819**
700 Seneca (near Swan)

District 5

- ♦ **Engine 25 – Ladder 10** **825-9210**
517 Southside & Seneca
- ♦ **Engine 28** **896-9778**
1170 Lovejoy (at Gold)
- ♦ **Engine 35 – Ladder 15** **825-9348**
1512 Clinton St. & Bailey



Division of Engineering will be available for plowing by request (851-5685)

Hospitals

District 1

- Niagara Family Health Center 859-4110
300 Niagara Street
- Women and Children's Hospital 878-7000
219 Bryant Street
- Millard Fillmore 887-4600
3 Gates Circle

District 3

- Roswell Park 845-2300
Elm & Carlton
- St Francis 837-4200
34 Benwood Ave
- Sisters of Charity 862-1000
2157 Main Street
- Veterans Administration Medical Center 834-9200
3495 Bailey Ave
- Erie County Medical Center 898-3000
462 Grider Street

District 4

- Sheehan Memorial 848-2000
425 Michigan Ave

District 5

- Mercy 826-7000
565 Abbott Road

Schools

*D'Youville Porter
Campus
School# 3
816-3120*

*Buffalo Elementary
School of Tech. #6
846-3767*

*Poplar E.C.C. #11
816-3140*

*E.C.C. #17
816-3150*

*Dr. Antonia Pantoja
#18
816-3160*

*Native American
Magnet #19
816-3180*

*Hillery Park
Elementary #27 @
#28
816-4770*

*Frank A. Sedita
Elementary #30
816-3220*

*Harriet Ross Tubman
#31
816-3780*

*Bennett Park
Montessori #32 @
#63
816-3410*

*Bilingual Center #33
816-4783*

*Bilingual E.C.C. #36
816-3210*

*Futures Academy #37
816-3800*

*Dr. Martin Luther King
Multicultural Inst. #39
816-3240*

*#43 Academy @ #71
816-3260*

*International School
#45 @ #4
(Grades 4-8)
816-3760*

*International School
#45 @ #40
(Grades PK-3)
816-3806*

*Community School
#53
816-3330*

*Dr. George Blackman
E.C.C. #54
816-3340*

*Dr. Charles R. Drew
Science Magnet #59
816-3370 (Museum)
816-4440 (Zoo)*

*E.C.C. #61
816-3400*

*Frederick Law
Olmsted #64
816-3420*

*Roosevelt E.C.C. #65
816-3430*

*North Park Middle #66
816-3440*

*Discovery School #67
816-4922*

*Houghton Academy
#69
816-4794*

*Lorraine Elementary
#72
816-4809*

*Hamlin Park
Elementary #74
816-3490*

*Herman Badillo
Bilingual Academy
#76 @ #77
816-3848*

*Montessori #78
816-4020*

*Pfc. William J.
Grabiarz #79
816-4040*

*Highgate Heights #80
816-4050*

*School #81
816-4060*

*E.C.C. #82
816-4070*

*Erie County Health
Care Center for
Children #84
897-8080*

*Dr. Lydia T. Wright
School of Excellence
#89
816-4110*

*Dr. Charles R. Drew
Science Magnet #90
816-4120*

*B.U.I.L.D. Academy
#91
816-4140*

*Southside Elementary
#93
816-4818*

*West Hertal
Elementary #94
816-4150*

*Waterfront
Elementary #95
816-3900*

*Campus West #96
888-7128*

*Harvey Austin School
#97
816-4460*

*Stanley Makowski
E.C.C. #99
816-4180*

*Occupational Training
Center #42
816-3250*

*Academy School
#131 @ #44
816-3270*

*Frederick Law
Olmsted #56 @
Kensington
816-4330*

*Buffalo Academy for
Visual & Performing
Arts #192
816-4220*

*City Honors #195 @
#56 (Grades 5-6)
816-3350*

*City Honors #195 @
#8 (Grades 9-12)
816-3130*

*Math, Science &
Tech. Prep. School @
Grover #198
816-4500*

*International Prep.
School @ Grover
#198
816-4306*

*Bennett #200
816-4250*

*Grover Cleveland
#202
816-4300*

*Lafayette #204
816-4340*

*Riverside Institute of
Tech. #205
(Grades 11-12)
816-4360*

*Riverside Institute of
Tech. #205 @ #51
(Grades 9-10)
816-1400*

*South Park #206 @
187
816-3868*

*Leonardo da Vinci
#212
816-4380*

*Burgard #301
(Grades 11-12)
816-4450*

*Burgard @ #171
(Grades 9-10)
816-3480*

*Emerson School of
Hospitality #302
816-3018*

*Hutchison Central
Technical #304
816-3888*

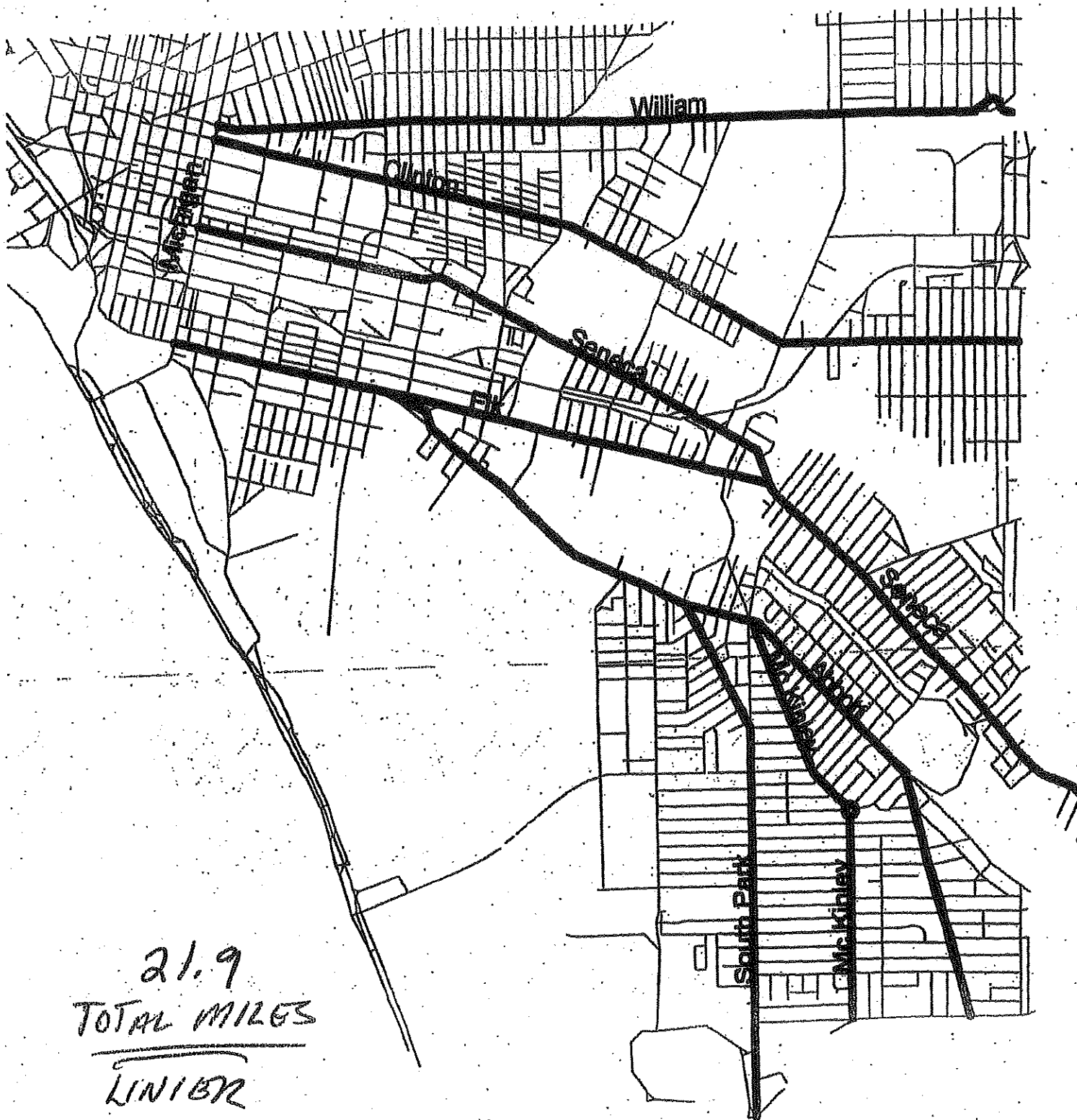
*McKinley #305
816-4480*

*East #307
816-4520*

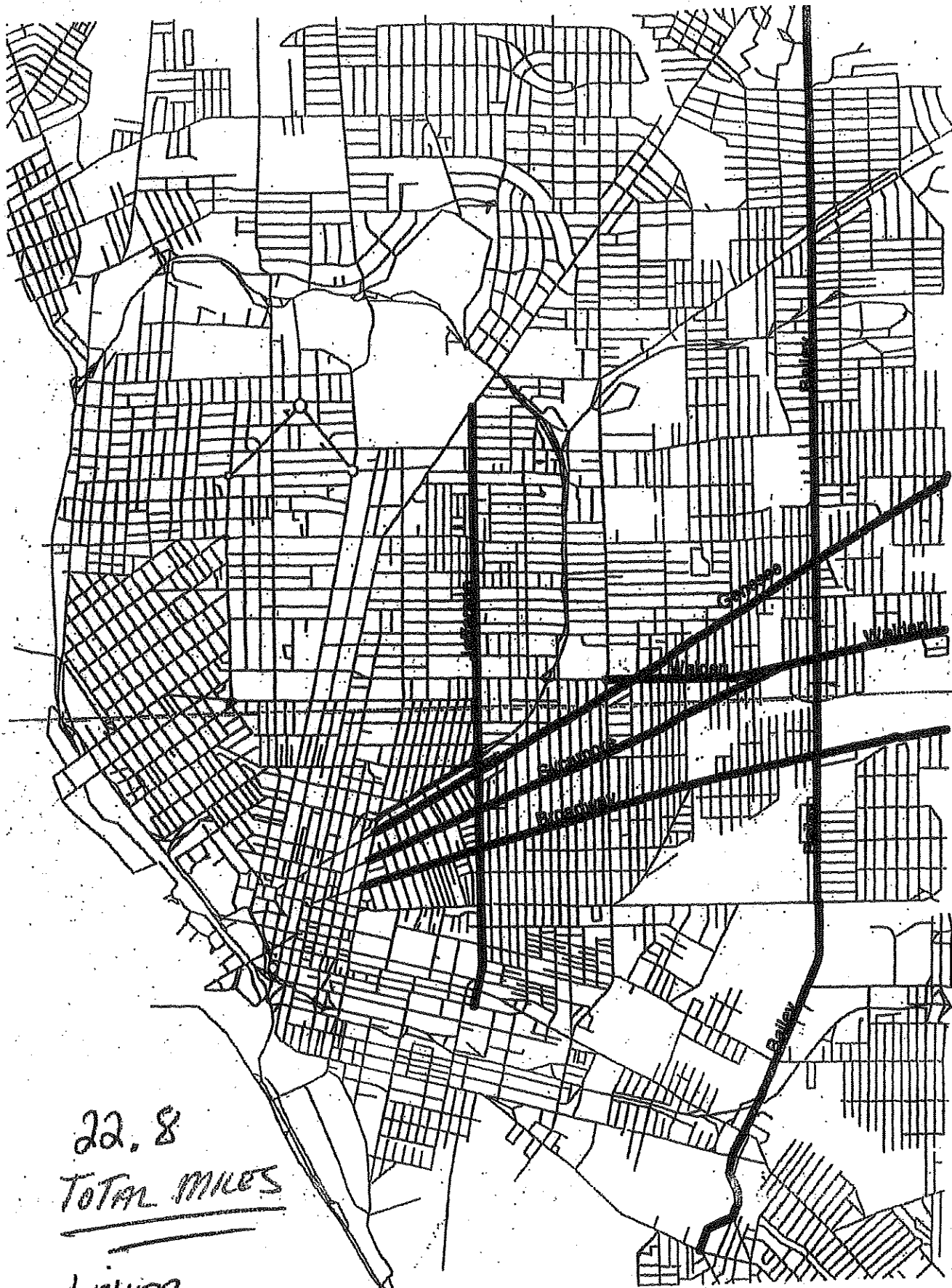
*Middle College #335
851-3763*

SPREADER ROUTES		STREET DISTRICTS
1 4	2 3	10
5 6	7 8	12
9 10	11 13	14
12 14	16 17	15
15 18	19 20	16

Run 1



Run 2



22.8
TOTAL MILES

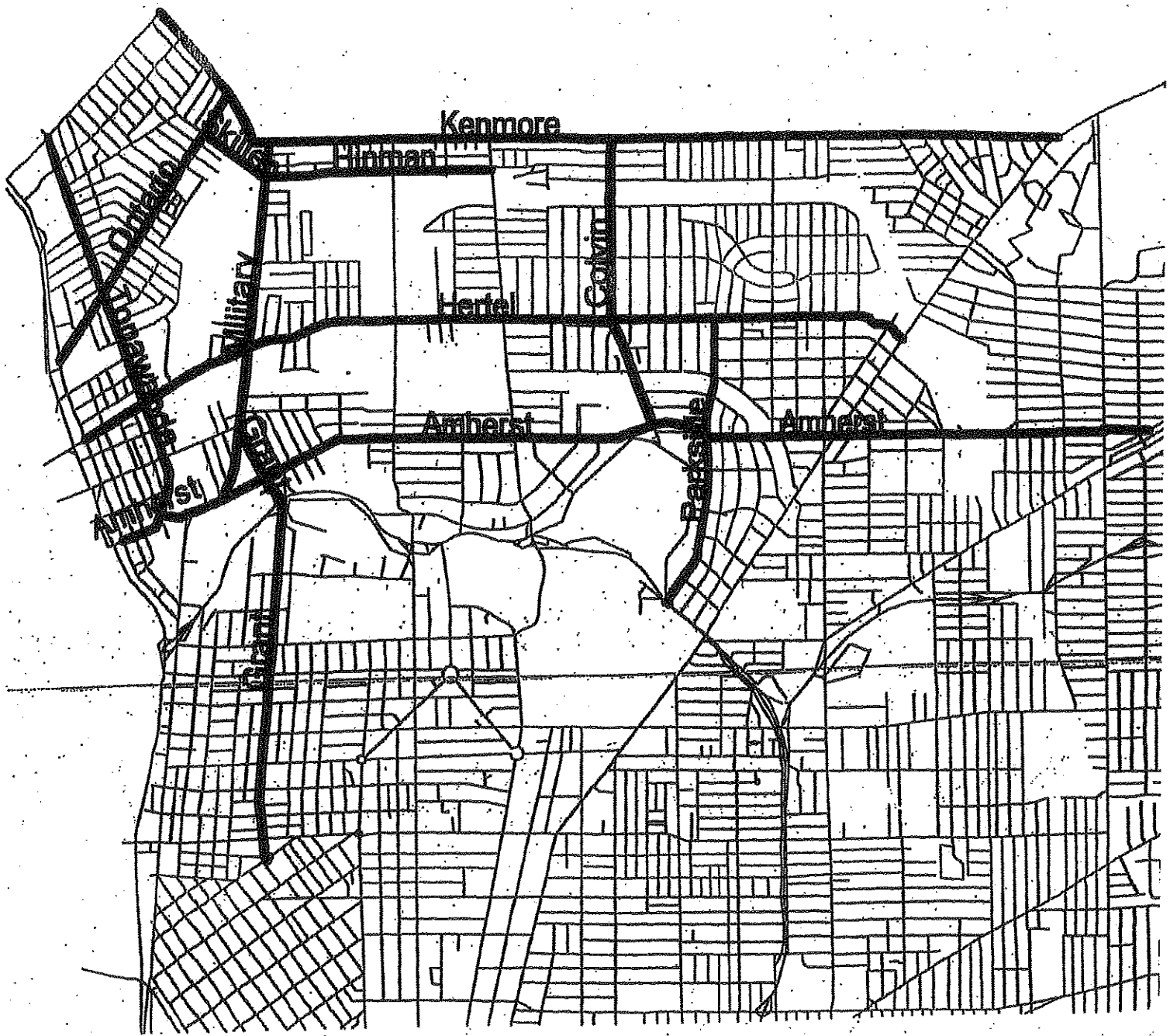
hmv1372

RUN 3

22.0
TOTAL MILES

Lindner

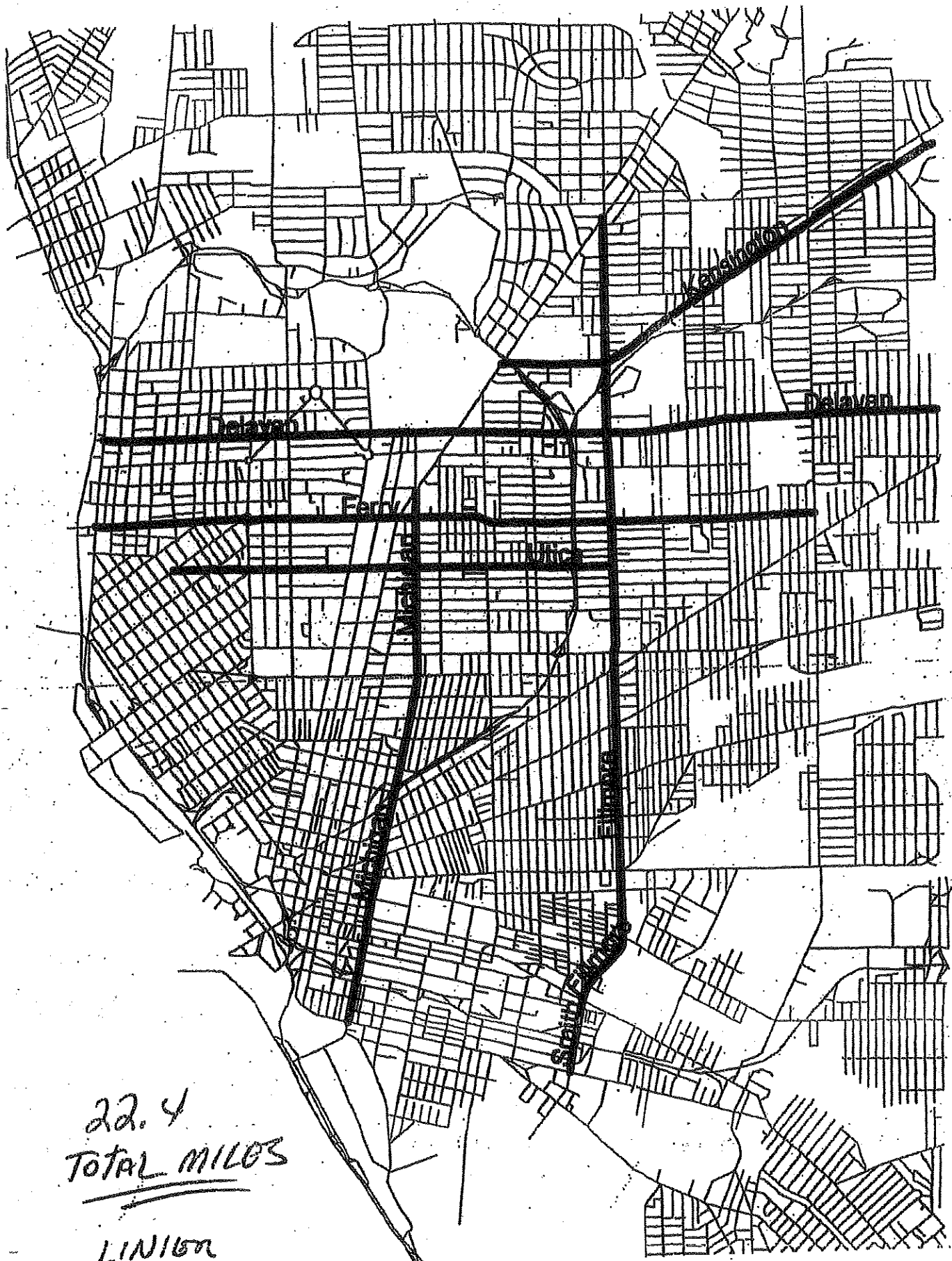
Run 4



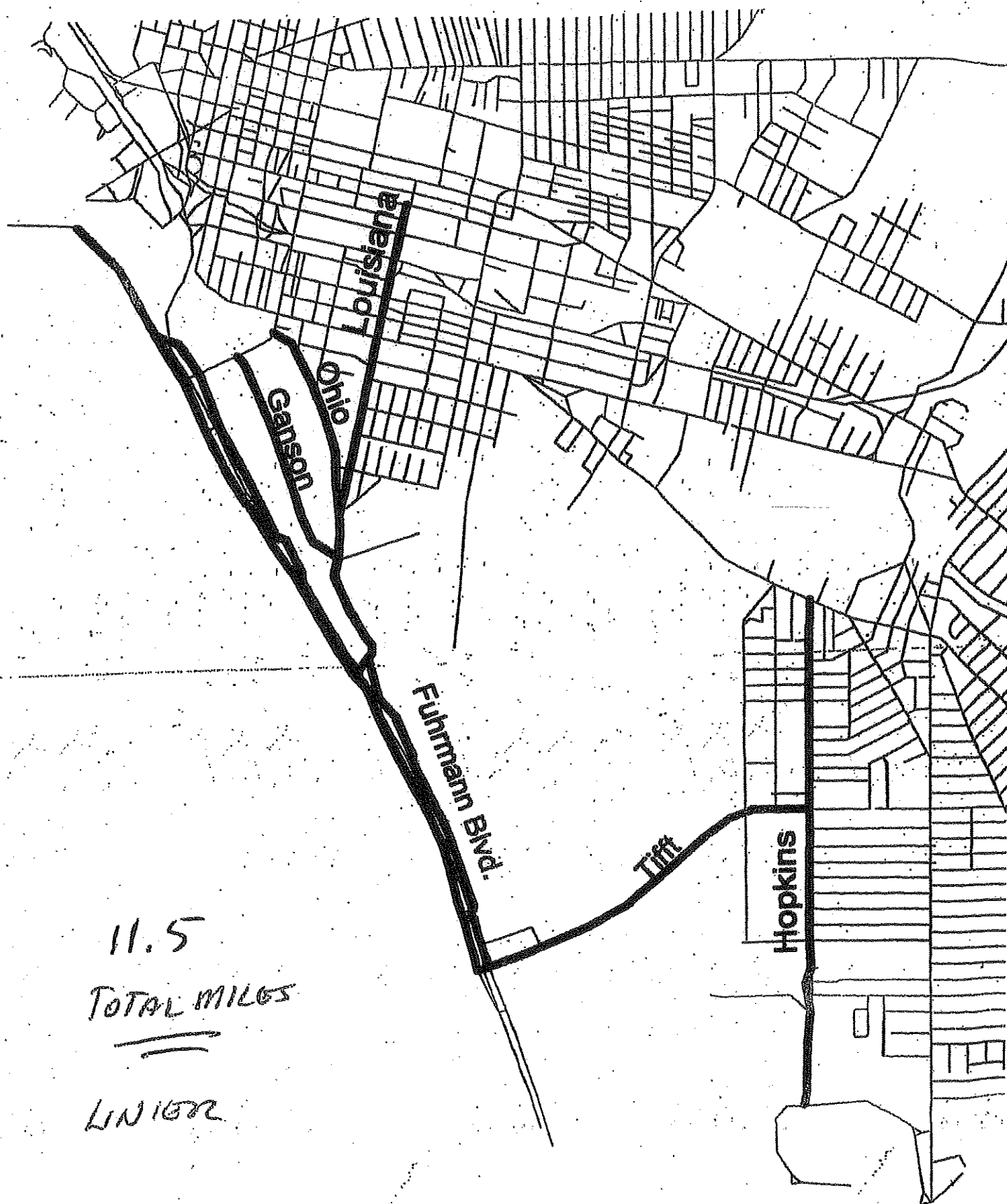
24.0
TOTAL MILES

LINER

Run 5



Run 6



District 1 / 4

Primary Spreader Route

STREET	FROM	TO
Main	Tupper	W. Delavan
Harvard	Main	W. Delavan
Franklin	Tupper	North
Linwood	North	Delavan
Elmwood	Niagara	Forest
Delaware	Tupper	Forest
W.Delavan	Richmond	Main
Ferry	Richmond	Main
W. Utica	Richmond	Main
Summer	Richmond	Main
North	Richmond	Main
Wadsworth	North	Allen
Allen	Wadsworth	Main
West	Pennsylvania	Tracy
Tracy	West	Elmwood
Niagara	Pennsylvania	Elmwood
Seventh	Pennsylvania	Virginia
Seventh	Carolina	Court
Busti	Pennsylvania	Virginia
Court	Elmwood	End
Jackson Alley	Church	Court
West Genesee	Thruway	Upper Terrace
Church	Thruway	Upper Terrace
Lower Terrace	Court	Main

District 1 / 4

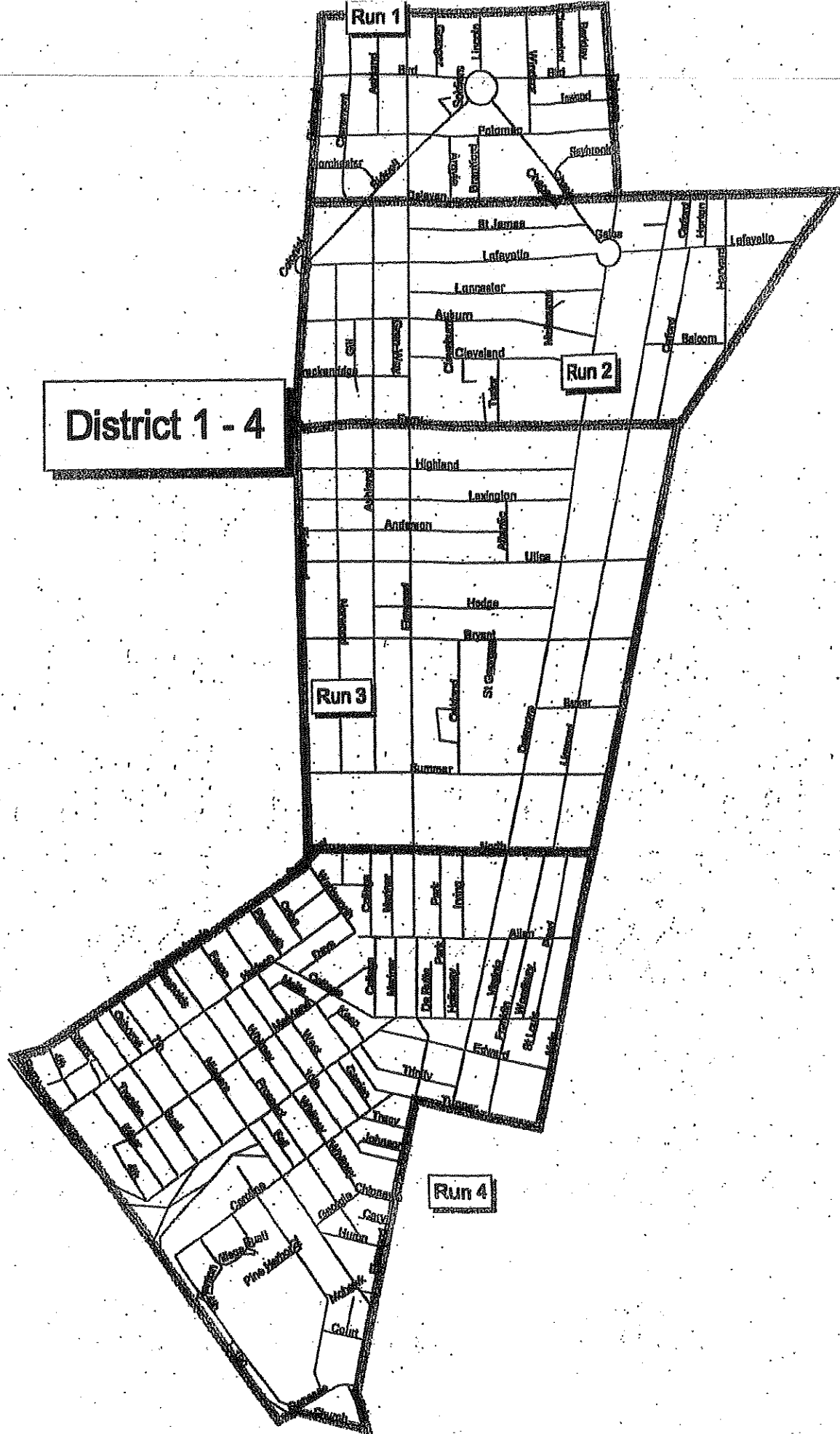
Secondary Spreader Route

STREET	FROM	TO
Lincoln Pkwy	Bidwell Pkwy	Forest
Bidwell Pkwy	Richmond	Lincoln Pkwy
Chapin Pkwy	Lincoln Pkwy	Lafayette
Lafayette	Richmond	Main
Hodge	Ashland	Delaware
Bryant	Richmond	Main
Norwood	Summer	Lafayette
Ashland	Summer	Bidwell Pkwy
Oakland	Summer	Bryant
Pennsylvania	Lakeview	North
Hudson	Thruway	Wadsworth
Maryland	Fourth	College
Georgia	Niagara	Whitney
Whitney	Hudson	Georgia
Prospect	Pennsylvania	Huron
Virginia	Elmwood	Main

DEAD END STREETS DISTRICT 1 - 4

Cary Pl.	Elmwood - dead end	from 202 Delaware Ave. nw to beyond 189 S. Elmwood Ave.
DeRutte Alley	Virginia - dead end	from 412 Virginia St. n
Fell Alley	Virginia - Carolina	from 180 Carolina St. nw to 185 Virginia St.
Garden Alley	Virginia - Carolina	fr 300 Carolina St. nw to 294 Virginia St.
Gill Alley	Auburn - Breckenridge	from 567 Auburn Ave. s to beyond 585 Breckenridge St.
Gren-Way Alley	Auburn - Breckenridge	from 632 Breckenridge St. n to 612 Auburn Ave.
Halloway Alley	Virginia - dead end	from 436 Virginia St. n
Keep Alley	Virginia - Tupper	from 334 Virginia St. nw to 290 Tupper St.
Linwood Terrace	Linwood - dead end	at 726 Linwood Ave.
Malta Alley	Maryland - West	from 312 Maryland St. nw to 177 West Ave.
Osborne Alley	Hudson - Pennsylvania	from 110 Hudson St. nw to 113 Pennsylvania St.
St. Louis Alley	Virginia - dead end	at Virginia St. s
Straats St.	Court - dead end	at 167 Court St.
Virginia Pl.	Virginia - Allen	from 473 Virginia St. ne to 78 Allen St.
Woodbury Alley	Virginia - dead end	from 513 Virginia St ne

District 1 - 4



District 2 / 3

Primary Spreader Route

STREET	FROM	TO
Richmond	North	Forest
Baynes	W. Ferry	Forest
Abbottsford	Bird	Forest
Grant	Hampshire	Forest
West	Forest	Bird
West	Delavan	Penfield
West	Porter	Pennsylvania
Bird	Niagara	Forest
Niagara	Forest	Pennsylvania
W. Delavan	Niagara	Richmond
Penfield	Niagara	West
Lafayette	Niagara	Richmond
W. Ferry	Thruway	Richmond
Chenango	W. Utica	W. Ferry
Brayton	W. Utica	Massachusetts
Winter	Massachusetts	Hampshire
Normal	Pennsylvania	Hampshire
Plymouth	Pennsylvania	Hampshire
Prospect	Pennsylvania	Niagara
Seventh	Pennsylvania	Niagara
Busti	Pennsylvania	Niagara
Lakeview	Jersey	Porter
Hampshire	Winter	W. Ferry
Massachusetts	Busti	Richmond
W. Utica	Brayton	Richmond
Porter	Lasalle Park	Richmond
York	Porter	Normal
Jersey	Lakeview	Busti

District 2 / 3

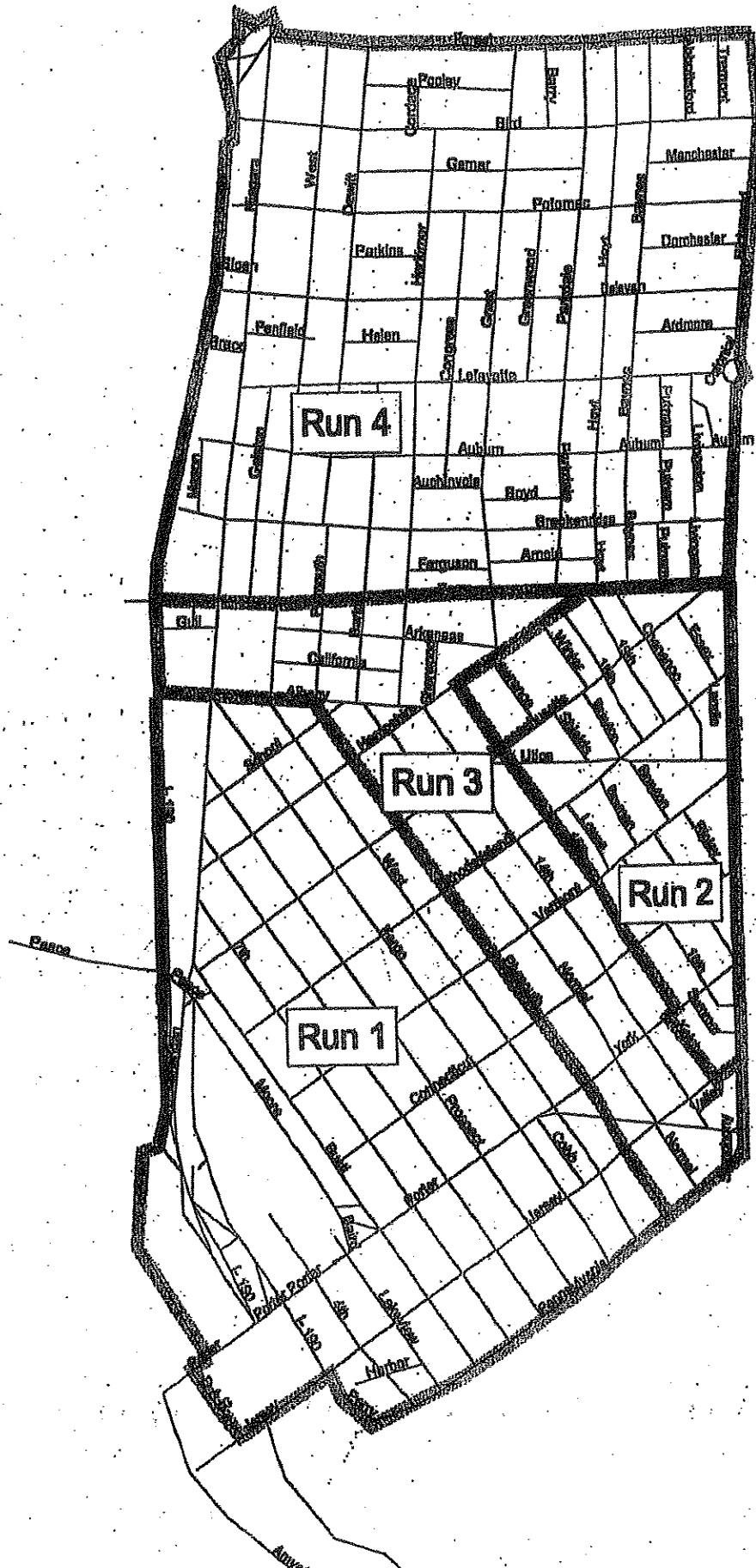
Secondary Spreader Route

STREET	FROM	TO
Jersey	Richmond	Seventh
York	Richmond	Normal
Connecticut	Richmond	Busti
Vermont	Richmond	Busti
Rhode Island	Richmond	Busti
Hampshire	Winter	Busti
Breckenridge	Richmond	Niagara
Auburn	Richmond	Niagara
Potomac	Richmond	Niagara
Bird	Richmond	Niagara
Hoyt	W. Ferry	Forest
Parkdale	W. Ferry	Forest
West	Pennsylvania	Forest

**DEAD END STREETS
DISTRICT 2 - 3**

Cobb Alley	Jersey - Porter	from 252 Jersey St. nw to Porter Ave.
Cordage Pl.	Bird - Pooley	from 162 Bird Ave. n to 50 Pooley Pl.
Gull Alley	Niagara - dead end	from 1130 Niagara St. w to Haggart Ave.
Livingston Alley	Auburn - Livingston	from Livingston St. se to Auburn Ave.
Mason Alley	Auburn - Breckenridge	from 30 Breckenridge St. n to Auburn Ave.
Sloan St.	Niagara St.	from Black Rock Canal e to 1426 Niagara St.

District 2 - 3



District 5 / 6
Primary Spreader Route

STREET	FROM	TO
Elmwood	Forest	Kenmore
Grant	Forest	Military
Military	Amherst	Kenmore
Tonawanda	Niagara	Vulcan
Niagara	Forest	Vulcan
Vulcan	Niagara	Kenmore
Ontario	Niagara	Kenmore
Kenmore	Vulcan	Ontario
Kenmore	Military	Elmwood
Skillen	Vulcan	Military
Hinman	Military	Elmwood
Hertel	Thruway	Elmwood
Amherst	Niagara	Delaware
Forest	Niagara	Delaware

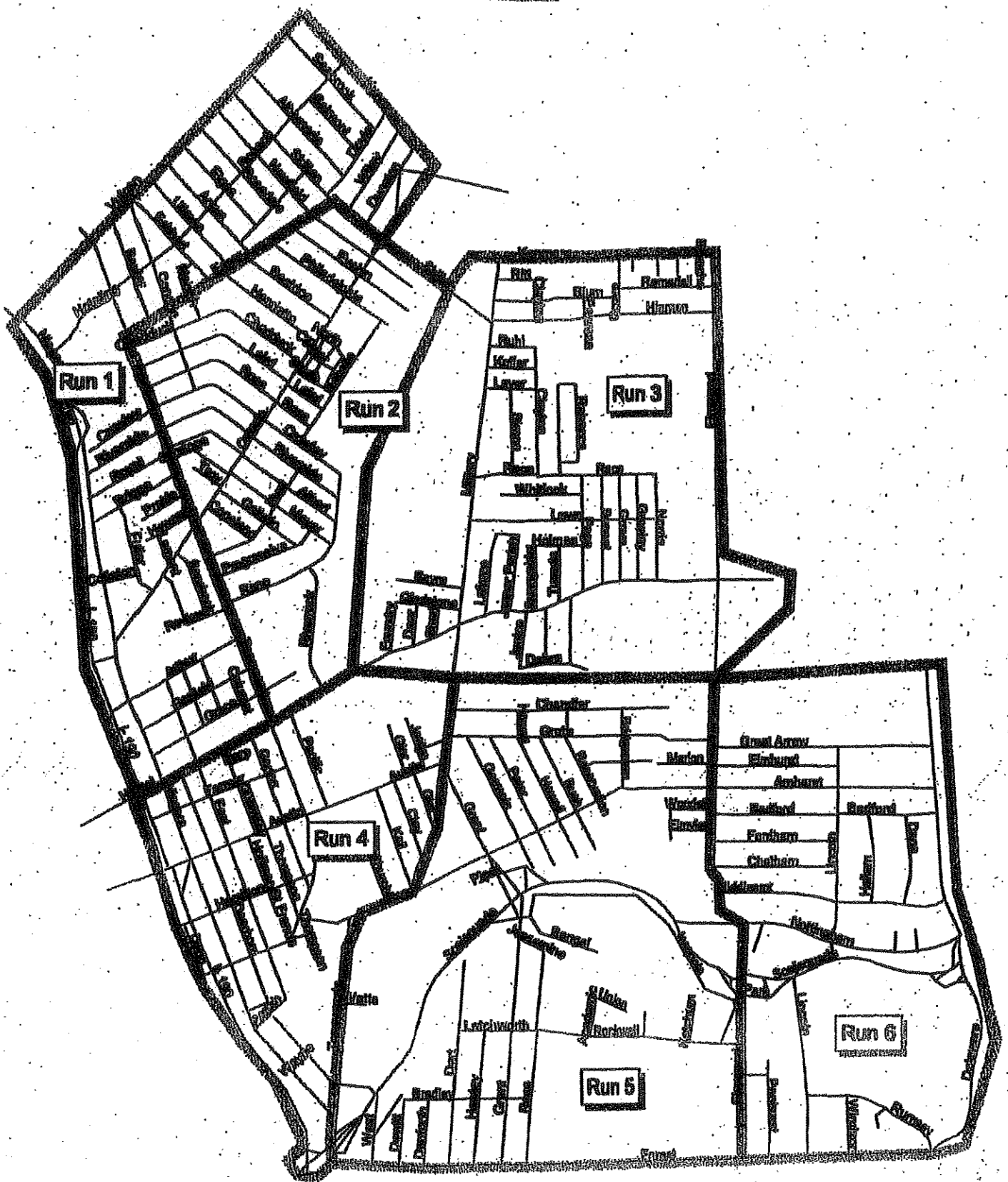
District 5 / 6
Secondary Spreader Route

STREET	FROM	TO
Lincoln Pkwy	Forest	Great Arrow
Nottingham	Delaware	Elmwood
Great Arrow	Delaware	Elmwood
Grote	Elmwood	Military
Chandler	Military	Easterly End
Austin	Military	Niagara
Parrish	Niagara	East
East	Parrish	Arthur
Dearborn	Hertel	Parrish
Rano	Tonawanda	Crowley
Crowley	Rano	Niagara
Riverside	Niagara	Rano
Esser	Tonawanda	Skillen
Roesch	Tonawanda	Kenmore
Newfield	Ontario	Vulcan
Hotaling	Tonawanda	Niagara

DEAD END STREETS DISTRICT 5 - 6

Bush	Amherst - dead end	from 152 Grote St. se to beyond 72 Amherst St.
Churchill	Amherst - dead end	from 238 Amherst St. nw
Dann	off foot of Hertel along 190 Thruway	from 100 Hamilton St. s to 1 Amherst St.
Evelyn	Ontario - dead end	from s of 550 Ontario St. nw to 340 Esser Ave.
Germain	Amherst - dead end	from 182 Grote St. se to beyond 62 Amherst St. at Sciaquada Creek
Harp	off Guernsey	at Guernsey St. s of Hertel Ave.
Howell	Amherst - dead end	from Chandler St. se to beyond Amherst St.
Joslyn	Austin - dead end	from Austin St. nw to Gior St.
Marion	Elmwood - dead end	from Reservation St. e to 1634 Elmwood Ave.
Marion	Bridgeman - dead end	from Reservation St. e to 1634 Elmwood Ave.
Newfield	Ontario - dead end	from s of 570 Ontario St. nw to 340 Vulcan St.
Parish	Niagara - East	from 1765 Niagara St. ne to beyond East St.
Perthurst	Forest - dead end	from 625 Forest Ave. n & w to 1225 Elmwood Ave.
Peter	Amherst - dead end	from 182 Grote St. se to beyond 66 Amherst St.
Philadelphia	Ontario - dead end	from s of Isabelle St. nw to Esser Ave.
Prairie	Tonawanda - dead end	at 800 Tonawanda St.
Ritt	Military - dead end	from 11 Military Rd e to beyond 59 Clayton St.
Sayre	Military - dead end	at 400 Military Rd.
St. Francis	off Hamilton	at Amherst St.
Thompson	off Amherst - RR	from beyond Hamilton St. n to Farmer St.
Troy	Ontario - dead end	at 228 Ontario St.
Watts	Tonawanda - dead end	at 115 Tonawanda St.
Wayne	Niagara - West	at 1713 Niagara St.

District 5 - 6



District 7 / 8

Primary Spreader Route

STREET	FROM	TO
Kenmore	Elmwood	Main
Hinman	Elmwood	Delaware
Tacoma	Delaware	Starin
Hertel	Elmwood	Main
Amherst	Delaware	Main
Florence	Parkside	Main
Delaware	Forest	Kenmore
Colvin	Amherst	Kenmore
Parkside	Humboldt	Starin
Starin	Parkside	Kenmore
Main	Delavan	Bailey
Niagara Falls Blvd.	Kenmore	Main

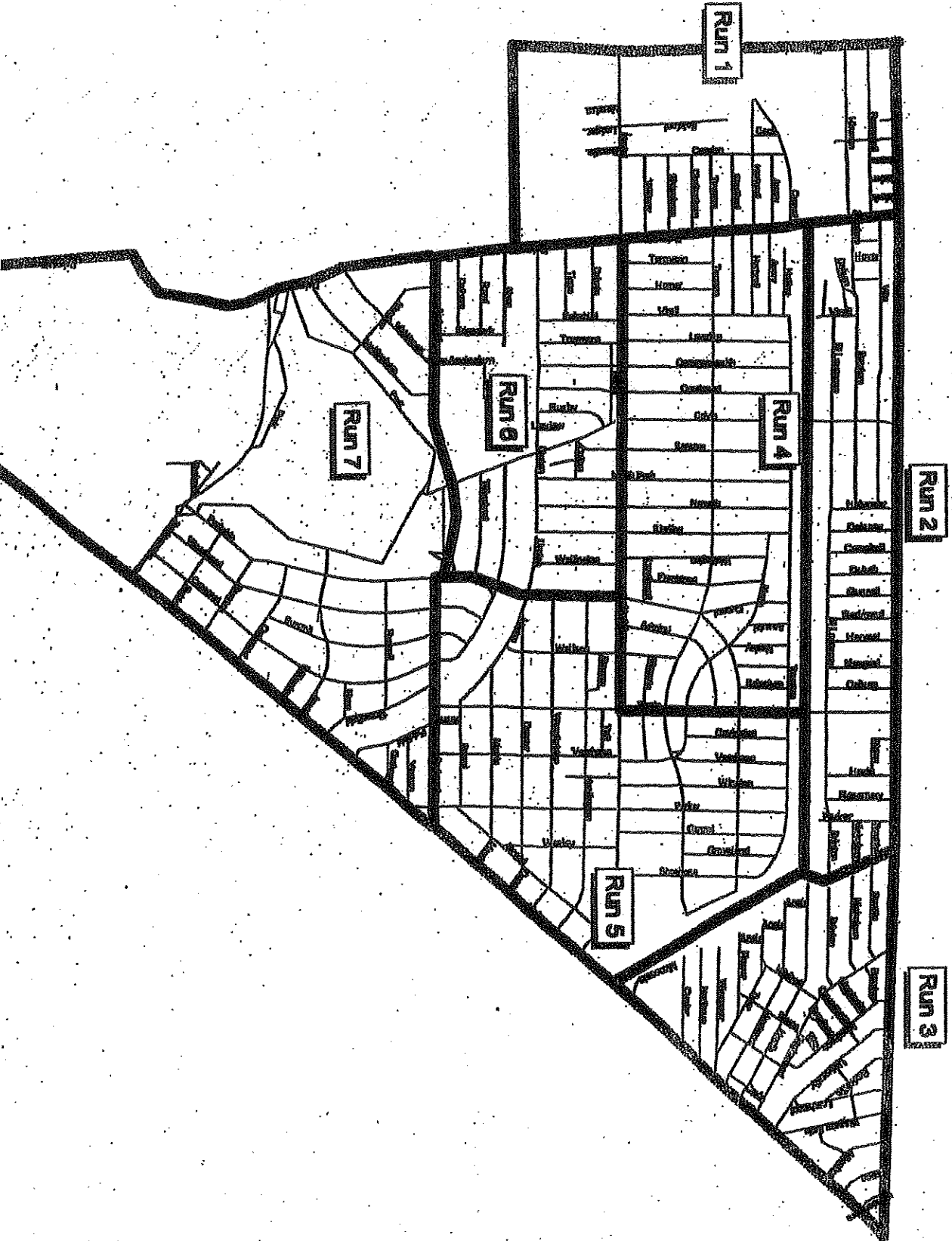
District 7 / 8
Secondary Spreader Route

STREET	FROM	TO
Camden	Hertel	Comet
Ramsdell	Elmwood	Delaware
Villa	Delaware	Hobmore
Sander	Delaware	Hobmore
St. Lawrence	Delcin	Starin
Tauton	Virgil	Shoshone
Shoshone	Tauton	Hertel
Englewood	Kenmore	Main
Parker	Main	Taunton
Starin	Amherst	Parkside
Depew	Main	Parkside
Linden	Parkside	Delaware
Nottingham	Delaware	Amherst
Jewett	Parkside	Main

DEAD END STREETS DISTRICT 7 - 8

Street Name	Location
Botsford	from 902 Hertel Ave. n
Brinton	from N. Parker Ave. e to 210 Englewood Ave.
Burbank	from beyond Burbank Terrace e to Agassiz Circle
Cecil	from 40 Hartwell Rd. n to Comet Ave.
Custer	from DL & WRR e to 3136 Main St.
Darien	at 1460 Kenmore Ave.
Flower	from beyond Angle St. e to Tyler St.
Genoa	at 1490 Kenmore Ave.
Heath	from beyond Angle St. e & s to Main St.
Ledger	from 923 Hertel Ave. s near Elmwood Ave.
Linview	from 416 Linden Ave. n to 178 Colvin Ave.
Mandan	from 880 Hertel Ave. s
Merrimac	from 3216 Main St. nw & w to beyond Angle St.
Nicholson	Parker - dead end
Nicholson	from North Parker Ave. e to 240 Englewood Ave.
Northrup	from 3173 Main St. se to 70 Winspear Ave.
Seattle	from North Parker Ave. e to 270 Englewood Ave.
St. Margarets	off Colton
Stratford	from 151 Virgil Ave. w to 140 Camden Ave.
Toledo	at 1420 Kenmore Ave.
Winspear	from 3211 Main St se & e to 738 Eggert Rd.

AREA 7 - 8



District 9 / 10

Primary Spreader Route

STREET	FROM	TO
E. Ferry	Jefferson	Grider
E. Delavan	Main	Grider
Kensington	Main	City Line
Langfield	Bailey	Eggert
E. Amherst	Main	Bailey
Berkshire	Amherst	Bailey
Winspear	Main	Eggert
Jefferson	Northland	Main
Fillmore	Ferry	Main
Grider	Ferry	Leroy
Bailey	Delavan	Main
Eggert	Langfield	Winspear

District 9 / 10
Secondary Spreader Route

STREET	FROM	TO
Wholers	E. Ferry	Northland
Hager	Northland	E. Delavan
Northland	Main	Grider
Dewey	Main	Castle
Leroy	Main	Kensington
Halbert	Dewey	Rodney
Rodney	Main	Hill
Hill	Leroy	E. Amherst
Manhattan	Leroy	E. Amherst
Deerfield	Delavan	Kensington
Wyoming	Delavan	Kensington
Olympic	Delavan	Kensington
Parkridge	Kensington	Winspear
Comstock	Kensington	Winspear
Suffolk	Delavan	Winspear
Orleans	Kensington	Winspear
W. Cleveland	Eggert	City Line
Kay	Eggert	Edison
Edison	Kay	Delavan

DEAD END STREETS DISTRICT 9 - 10

Street Name Location

Amsterdam	off Delavan near Grider
Appenheimer	off Fillmore near Delavan
Birch	off Delavan near Grider
Chelsea	off Delavan near Grider
Dartmouth	off Parkridge near East Amherst
Dunlop	off Parkridge near East Amherst
East Oakwood	off Main near Dewey
Federal	off Kensington near Grider
Hewitt	off Parkridge near East Amherst
Kenova	off Fillmore near Kensington
Liberty	off Kensington near Grider
Montclair	off Kensington near Grider
Norfolk	off end of Decker
Roma	off Delavan near Eggert
Van Gorder	off Fillmore near Kensington
Verdum	off Fillmore near Kensington
Wright	off Delavan near Eggert

District 9 - 10



District 11 / 13
Primary Spreader Route

STREET	FROM	TO
E. Ferry	Main	Jefferson
E. Utica	Main	Fillmore
French	Fillmore	Kehr
Kehr	Genesee	E. Ferry
Fillmore	Best	E. Ferry
N. Parade	Fillmore	E. Parade
E. Parade	Genesee	N. Parade
Genesee	Walden	Wasmuth
Walden	Best	Wasmuth
Jefferson	Broadway	Northland
Masten	E. North	Main
Michigan	Genesee	Main
Best	Main	Walden
Goodell	Michigan	Expressway
Cherry	Michigan	Expressway
Genesee	Michigan	Herman
Sycamore	Michigan	Herman

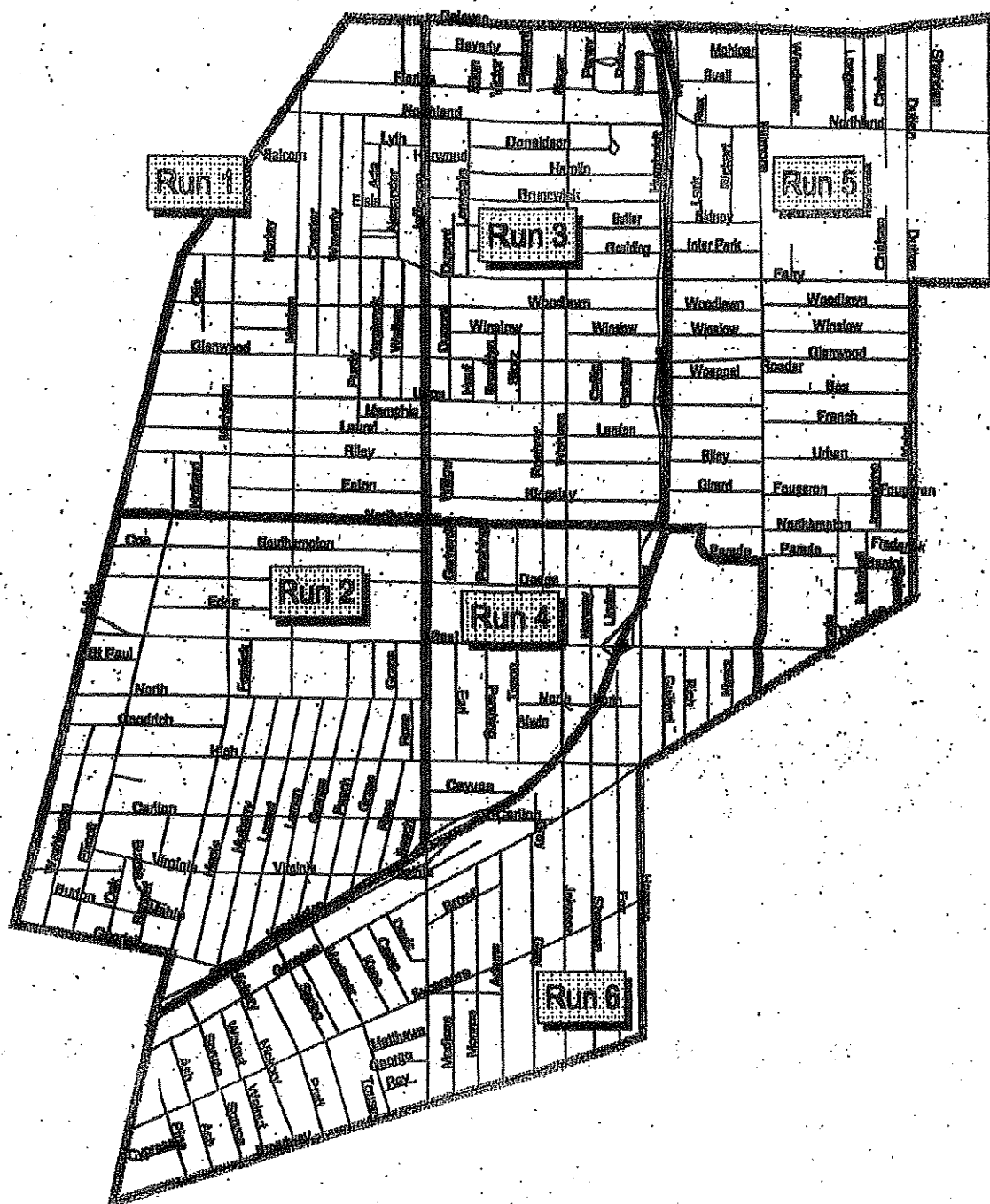
District 11 / 13
Secondary Spreader Route

STREET	FROM	TO
Herman	Broadway	Best
Johnson	Broadway	High
Cherry	Expressway	Jefferson
Virginia	Cherry	Jefferson
Elm	Genesee	Carlton
Oak	Genesee	High
Ellicott	E. Tupper	Riley
Washington	E. Tupper	High
Virginia	Main	Expressway
Carlton	Main	Jefferson
High	Main	Herman
E. North	Main	Jefferson
Dodge	Main	Humboldt
Northampton	Main	Fillmore
Riley	Main	Humboldt
Roehrer	Best	E. Ferry
Wohlers	Best	E. Ferry
Kehr	Genesee	Ferry

DEAD END STREETS DISTRICT 11 - 13

Street Name	Location
Alwin	off Timon near Best
Best Dead End	off Main near Best
Buell	off Fillmore near Delavan
Carlton	off Jefferson near Genesee
Carlton	off Genesee near Jefferson
Coe	off Main near Dodge
Gray	off Genesee near Jefferson
Harwood	off Jefferson near Northland
Linden	off Best near Expressway
Memphis	off Jefferson near Utica
Mohican	off Fillmore near Delavan
Morley	off East Ferry near Main
North Pine	off Sycamore
North St. Paul Mall	off Ellicott near Best
Norway	off Best near Expressway
Otis	off East Ferry near Main
Rex	off Northland near Humboldt
Roeder	off Fillmore near Box
South St. Paul Mall	off Ellicott near Best
St. Paul Mall	off Main near Best
Viola	off Pansy near East Delavan
Willow	off Kingsley near Jefferson

District 11 - 13



District 12 / 14

Primary Spreader Route

STREET	FROM	TO
Paderewski	Smith	NY Central Terminal
Broadway	Herman	Bailey
Sycamore	Herman	Walden
Walden	Wasmuth	City Line
Genesee	Herman	Walden
Genesee	Wasmuth	City Line
E. Ferry	Grider	Bailey
E. Delavan	Grider	City Line
Fillmore	William	Best
Bailey	Broadway	E. Delavan

District 12 / 14

Secondary Spreader Route

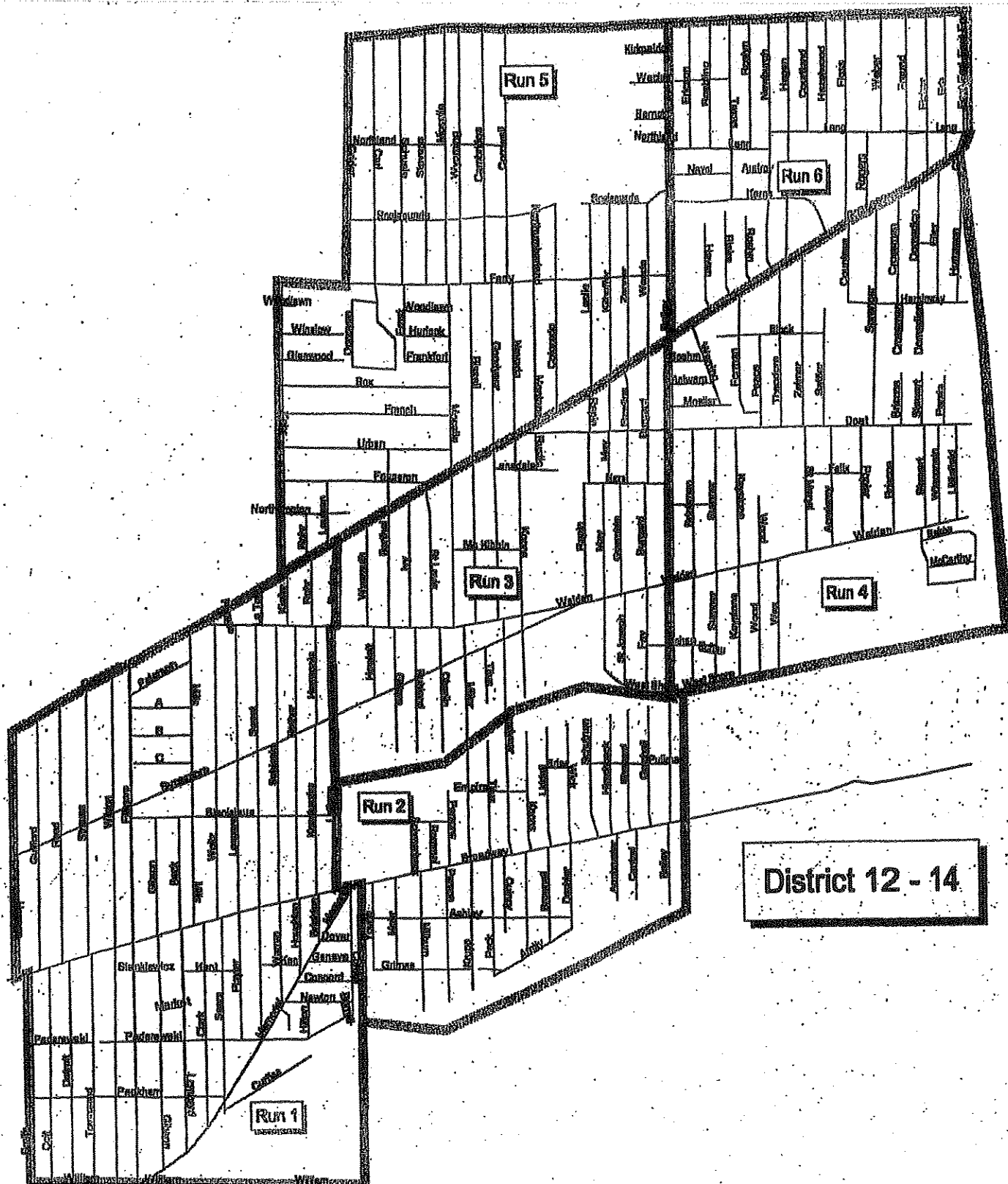
STREET	FROM	TO
Smith	William	Broadway
Peckham	Smith	Memorial
Memorial	William	Broadway
Lathrop	Broadway	Walden
Miller	Broadway	Walden
Goodyear	Broadway	Sycamore
Moselle	Walden	E. Delavan
Koons	Walden	Genesee
Nevada	Genesee	E. Ferry
Cornwall	E. Ferry	E. Delavan
Doat	Genesee	City Line
Sprenger	Doat	Genesee
East End	Genesee	E. Delavan

DEAD END STREETS DISTRICT 12 - 14

Antwerp	Bailey - Warring
Armbruster	Broadway - dead end
Audrey	Newburgh - dead end
Barnett	Bailey - dead end
Blake	Genesee - dead end
Block	Foreman - dead end
Boehn	Bailey - Warring
Briscoe	Doat - dead end
Bryson	Memorial - dead end
Central	Broadway - dead end
Crossman	Hemmingway - dead end
Domedion	Hemmingway - dead end
Felix	between St. Mary's - Poplar
Gatchell	Broadway - dead end
Gittere	Sycamore - dead end
Glenwood	Kehr - dead end
Haven	Genesee - dead end
Hilton	Newton - dead end
Hirschbeck	Broadway - dead end
Kent	Sweet - Houghon
Kirkpatrick	Bailey - dead end
Koons	Broadway - dead end
Koons	Sycamore - dead end
Krupp	Grimes - dead end
Liddel	Broadway - dead end

Milburn
Miller
Moeller
Northland
Oberlin
Persia
Person
Roslyn
Ruhland
Sattler
Schutrum
Shepard
Stewart
Titus
Titus
Warring
West Wacker
Wick
Winslow
Wood
Woodlawn

Grimes - dead end
Sycamore - dead end
Bailey - Warring
Bailey - dead end
Sycamore - dead end
Doat - dead end
Grimes - dead end
Genesee - dead end
Sycamore - dead end
Doat - dead end
Broadway - dead end
Broadway - dead end
Doat - dead end
Broadway - dead end
Sycamore - dead end
Moeller - Genesee
Bailey - dead end
Broadway - dead end
Kehr - dead end
Walden - dead end
Kehr - dead end



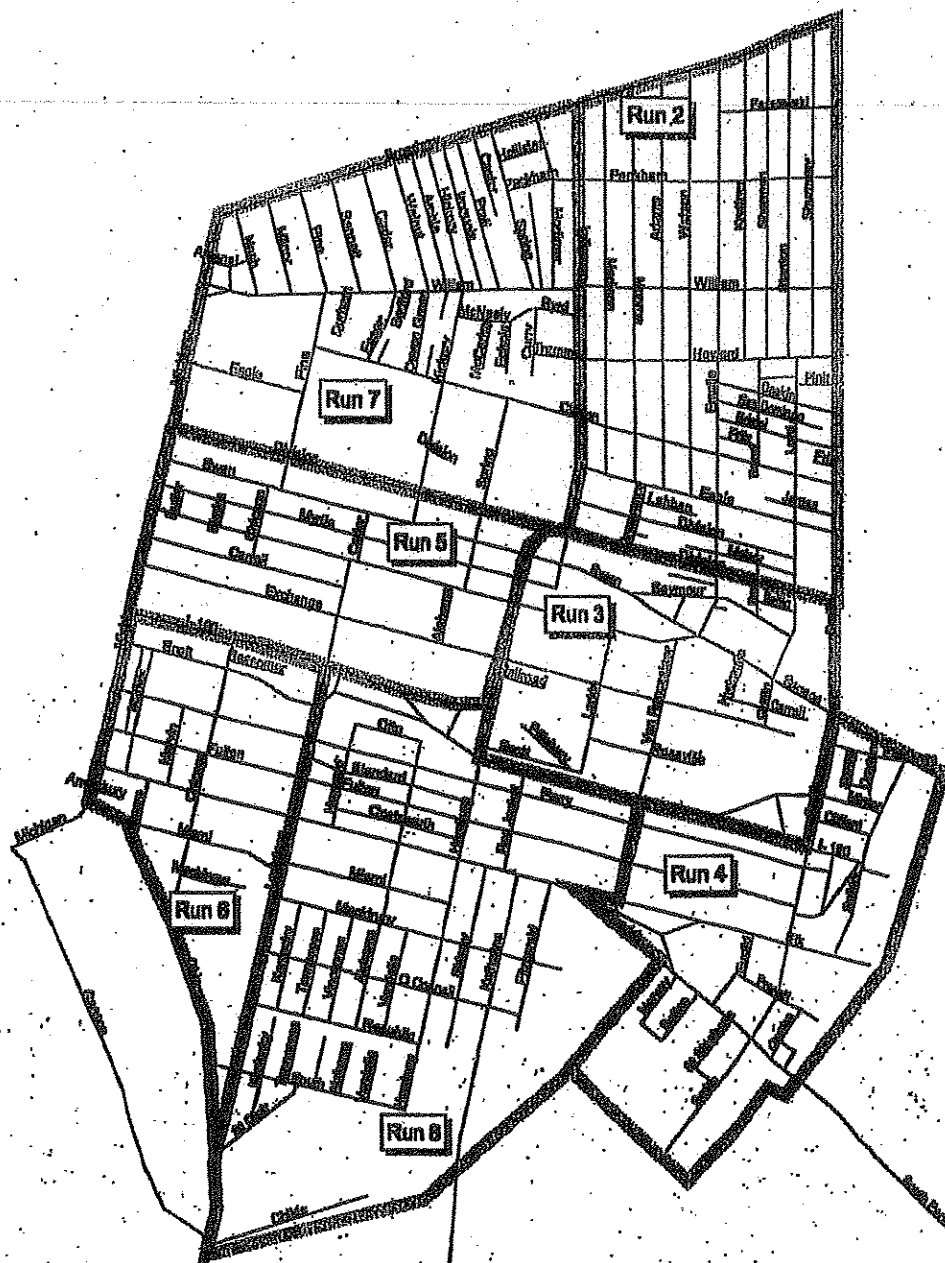
District 15 / 18
Primary Spreader Route

STREET	FROM	TO
Broadway	Michigan	Smith
William	Michigan	Smith
Clinton	Michigan	Smith
Swan	Michigan	Smith
Seneca	Michigan	Smith
Jefferson	Swan	Broadway
Perry	Michigan	Smith
South Park	Michigan	Hopkins
Hopkins	Tifft	South Park
Elk	South Park	Smith
South	Louisiana	Hamburg
Hamburg	South	Seneca
Louisiana	Ohio	Seneca
Chicago	Ohio	Scott
Michigan	Ohio	Seneca

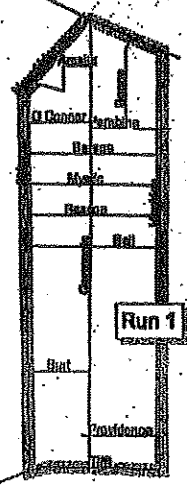
District 15 / 18

Secondary Spreader Route

STREET	FROM	TO
Paderewski	Emslie	Smith
Peckham	Jefferson	Smith
Howard	Jefferson	Smith
Emslie	Seneca	Broadway
Pine	Swan	Broadway
Carroll	Michigan	Louisiana
Exchange	Michigan	Smith
Scott	Michigan	Chicago
O'Connell	Louisiana	Fitzgerald
St. Clair	Ohio	South
Alabama	South	Perry



District 15 - 18



**DEAD END STREETS
DISTRICT 15 - 18**

Abby
Amelia
Baltic Alley
Carroll
Castor Alley
Fritz Alley
Iroquios
Kentucky
Meteor Alley
Moore
Roseville
Tennessee
Vandallia
Vincennes

off South Park Ave.
of Germania
Bond - Lord
off Griffin St.
off Broadway
Emslie - Bond
off Broadway
off South St.
Emslie - Lord
off Elk St.
of Van Rensselaer
off South St.
off South St.
off South St.

District 16 / 17
Primary Spreader Route

STREET	FROM	TO
Broadway	Bailey	City line
E. Lovejoy	Bailey	City line
William	Smith	Richard Dr.
Clinton	Smith	City line
Seneca	Smith	Bailey
Elk	Smith	Bailey
Fillmore	William	Smith
Smith	Fillmore	South Park
Lee	Elk	South Park
Bailey	Broadway	Seneca
N. Ogden	Broadway	Richard Dr.
Richard Dr.	N. Ogden	S. Ogden
S. Ogden	Richard Dr.	Mineral Springs
Mineral Springs	S. Ogden	Seneca <i>(North Side)</i>

District 16 / 17

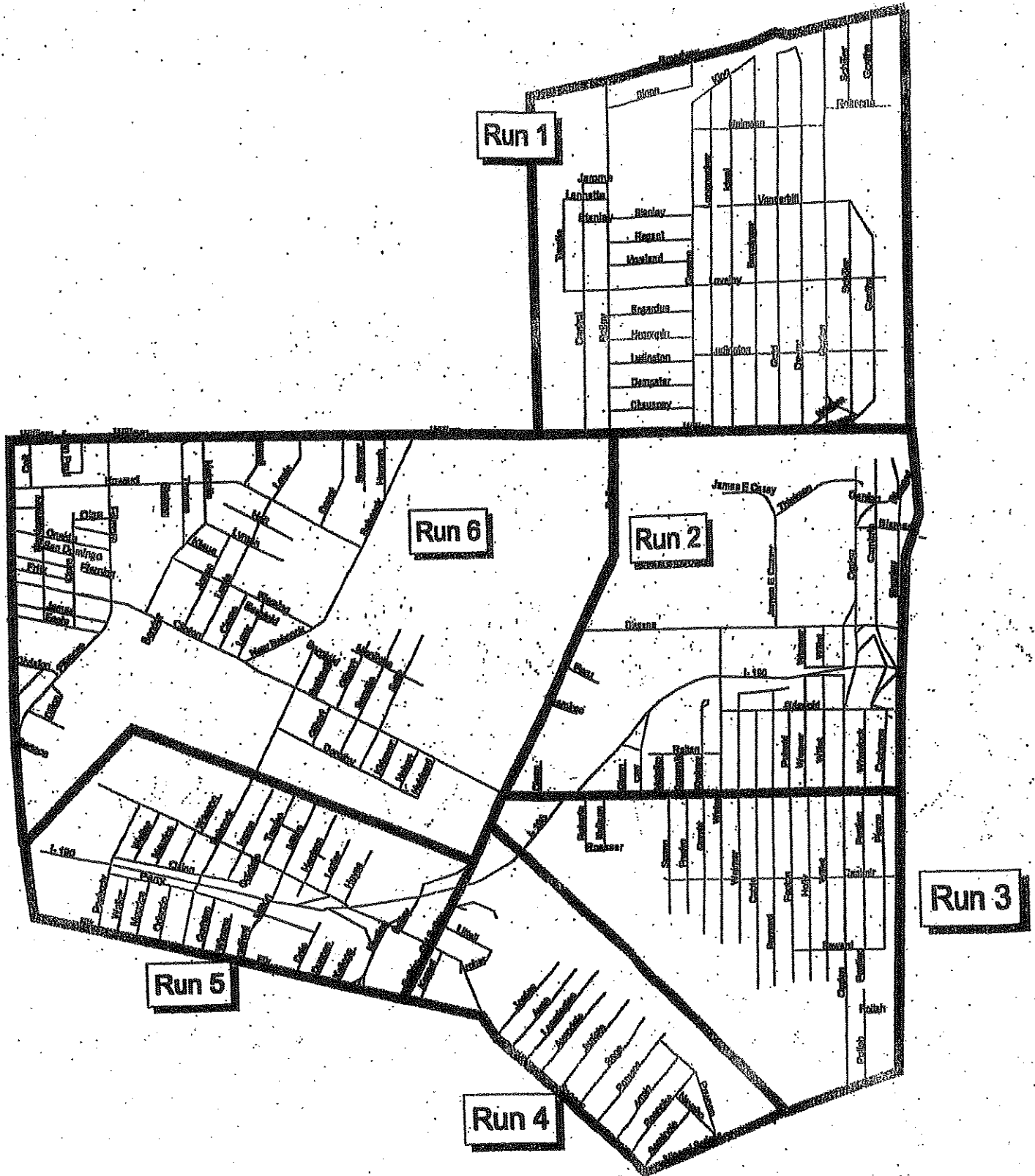
Secondary Spreader Route

STREET	FROM	TO
Smith	William	Seneca
Lewis	William	Clinton
Babcock	William	Elk
Stanley	Bailey	Greene
Vanderbilt	Greene	Schiller
Ludington	Bailey	City Line
Dingens	Bailey	City Line
Weiss	Dingens	Clinton
Casimir	Houghton Park	City Line
Reiman	Greene	City Line
Howard	Smith	Babcock

**DEAD END STREETS
DISTRICT 16 -17**

Avondale	Seneca - dead end
Baiz	Manitoba - dead end
Barnard	Casmir - dead end
Bushnell	Clinton - dead end
Cable	Casmir - dead end
Duncan	Elk - dead end
Fenton	Casmir - dead end
Fredo	Casmir - dead end
Fritz Alley	Clare to Smith
Gilbert	Manitoba - dead end
Glenn	Clinton - dead end
Gorski	Casmir - dead end
Harrison	Seneca - dead end
Hayes	Seneca - dead end
Imson	Seneca - dead end
Juanita	Seneca - dead end
Kellog	Elk - dead end
Keppel	Seneca - dead end
Krakow	Reitan - dead end
Leamington	Seneca - dead end
Lester	Seneca - dead end
Melvin	Seneca - dead end
Mergenhagan	Seneca - dead end
Milton	Wescott - dead end
Milton	Seneca - dead end
Olsen	Clinton - dead end

District 16 - 17



District 19 / 20

Primary Spreader Route

STREET	FROM	TO
Seneca	Bailey	City Line
Mineral Springs	Seneca	S. Ogden
Elk	Bailey	Seneca
Bailey	Seneca	South Park
South Park	Hopkins	City Line
Abbott	South Park	City Line
McKinley	Bailey	City Line
Potters	Abbott	City Line
Tifft	Hopkins	McKinley
Lorraine	McKinley	Abbott
Red Jacket	McKinley	Abbott
Cazenovia	Abbott	South Park

District 19 / 20

Secondary Spreader Route

STREET	FROM	TO
Frank	Mineral Springs	Fields
Fields	Frank	Church
Southside	South Park	Seneca
N. Legion	Southside	Cazenovia
S. Legion	Southside	Cazenovia
Cumberland	Southside	Cazenovia
Stevenson	Abbott	Seneca
Choate	South Park	McKinley
Woodside	South Park	Potters
Marilla	Hopkins	McKinley
Downing	South Park	City Line
Dorrance	South Park	City Line

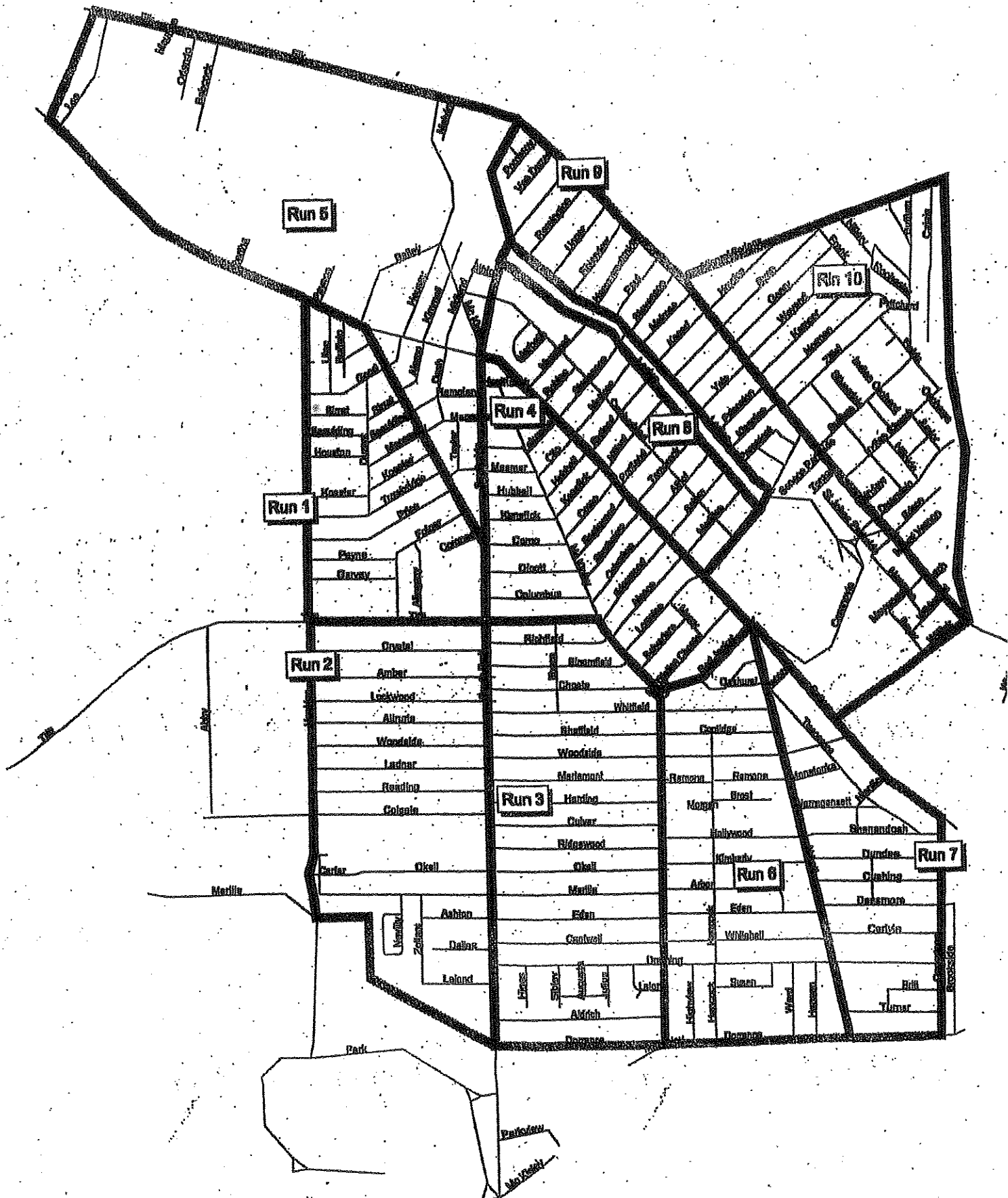
**DEAD END STREETS
DISTRICT 19 - 20**

Bertha from 1320 South Park Ave. ne to Buffalo River
Payson from 1433 South Park Ave. ne to Buffalo River
Pomeroy from 1725 Seneca St. sw to dead end beyond Dunbar St.
Dallas at 2317 South Park Ave. to dead end
Seneca Parkside at 2228 Seneca St.
Teresa from 3 St. Johns Parkside to ne 2247 Seneca St.
Mt. Vernon from 2382 Seneca St. ne to beyond City Line
Fairview from 2300 Seneca St. ne to dead end
Hines at 30 Downing St. one block east of South Park Ave.

Pierce
Polish Place
Sage
San Domingo Alley
Scoville
Spann
Troupe
Weiss
Wieman
Winoma

Bailey - dead end
Mineral Springs - dead end
Seneca - dead end
Clare to Smith
Manitoba - dead end
Casmir - dead end
Wescott - dead end
Casmir - dead end
Casmir - dead end
Elk - dead end

District 19 - 20



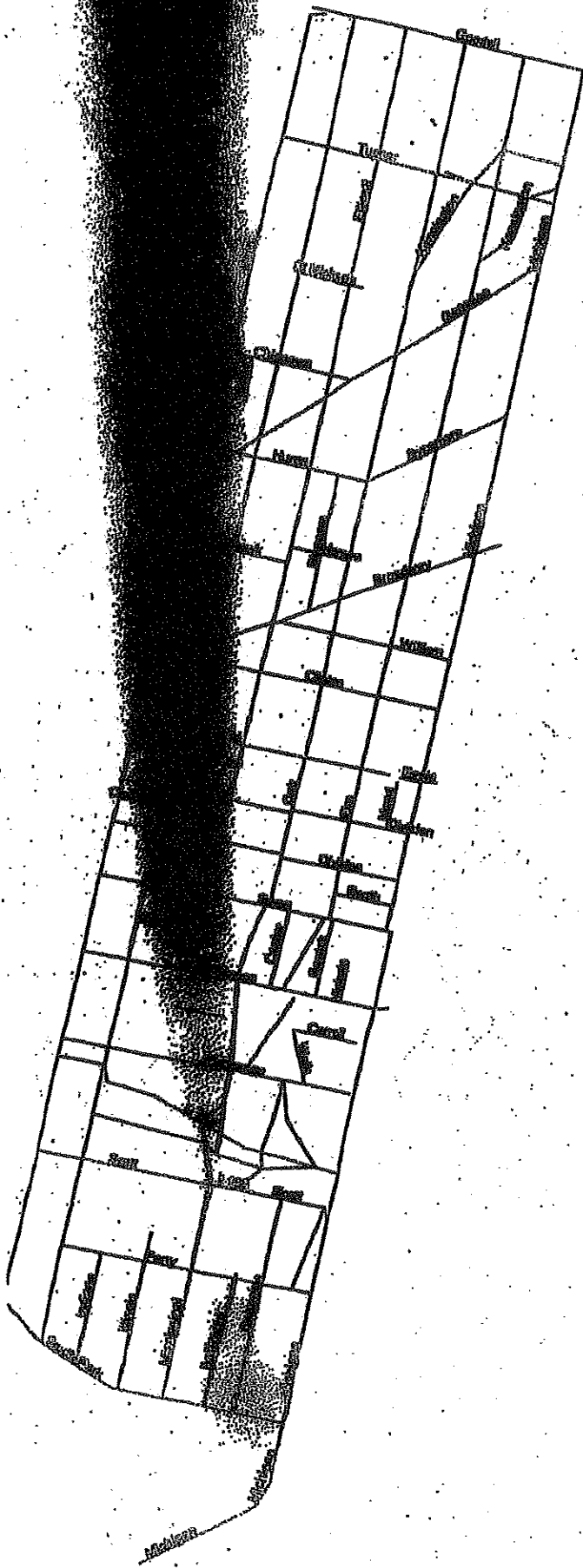
West Side Block (District 10)

STREET	FROM	TO
Main	South Park	Tupper
Pearl	Tupper	Upper Terrace
Franklin	Upper Terrace	Tupper
S. Elmwood	Upper Terrace	Tupper
Upper Terrace	Main	Elmwood
W. Seneca	Upper Terrace	Main
W. Swan	Main	Upper Terrace
Church	Upper Terrace	Main
W. Eagle	Main	Upper Terrace
Niagara	Elmwood	W. Eagle
W. Genesee	Elmwood	Main
Niagara Square		
Court	Niagara Square	Main
W. Mohawk	Elmwood	Main
W. Huron	Main	Elmwood
W. Chippewa	Elmwood	Main
Tupper	Elmwood	Main

East Side Block (District 14)

STREET	FROM	TO
Main	Tupper	South Park
Washington	Tupper	South Park
Ellicott	E. Seneca	E. Tupper
Oak	E. Tupper	E. Seneca
Elm	E. Seneca	E. Tupper
Michigan	E. Tupper	E. Seneca
E. Seneca	Main	Michigan
E. Swan	Michigan	Main
S. Division	Main	Michigan
N. Division	Michigan	Main
E. Eagle	Main	Michigan
Clinton	Main	Michigan
Broadway	Main	Michigan
William	Broadway	Michigan
E. Mohawk	Main	Ellicott
E. Huron	Main	Oak
Sycamore	Oak	Michigan
E. Genesee	Main	Michigan
E. Chippewa	Main	E. Genesee
Tupper	Main	Michigan

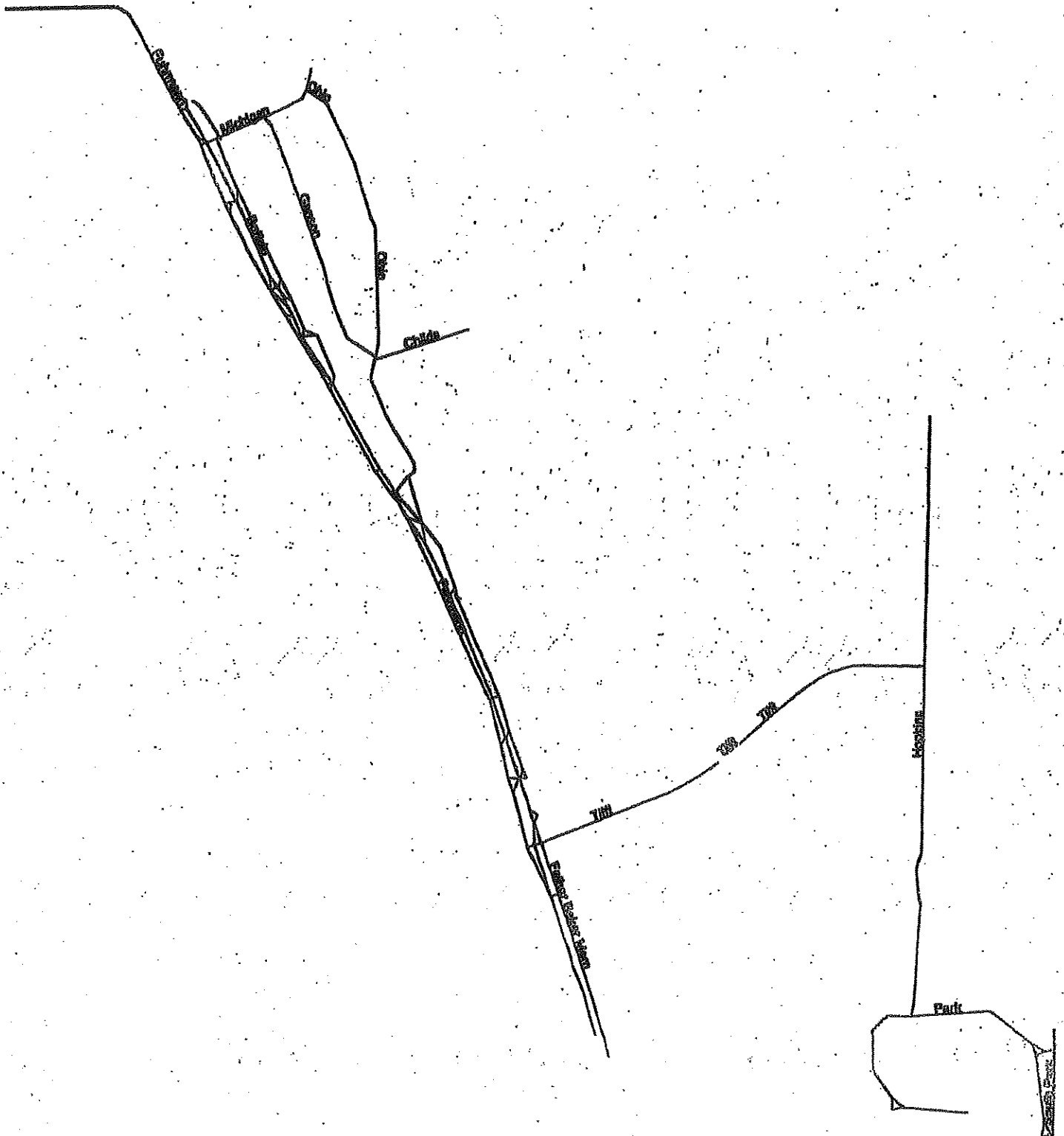
Downtown East Block



Fuhrman Blvd. (District 16)

STREET	FROM	TO
Fuhrman Blvd.	Coast Guard	South Park
Michigan	South Park	South Park
Ohio	Michigan	E. Tupper
Ganson	Michigan	E. Seneca
Childs	Ohio	E. Tupper
Tifft	Fuhrman	E. Seneca
Hopkins	Tifft	Botanical Pkwy
Botanical Pkwy		

Fuhrmann Blvd.

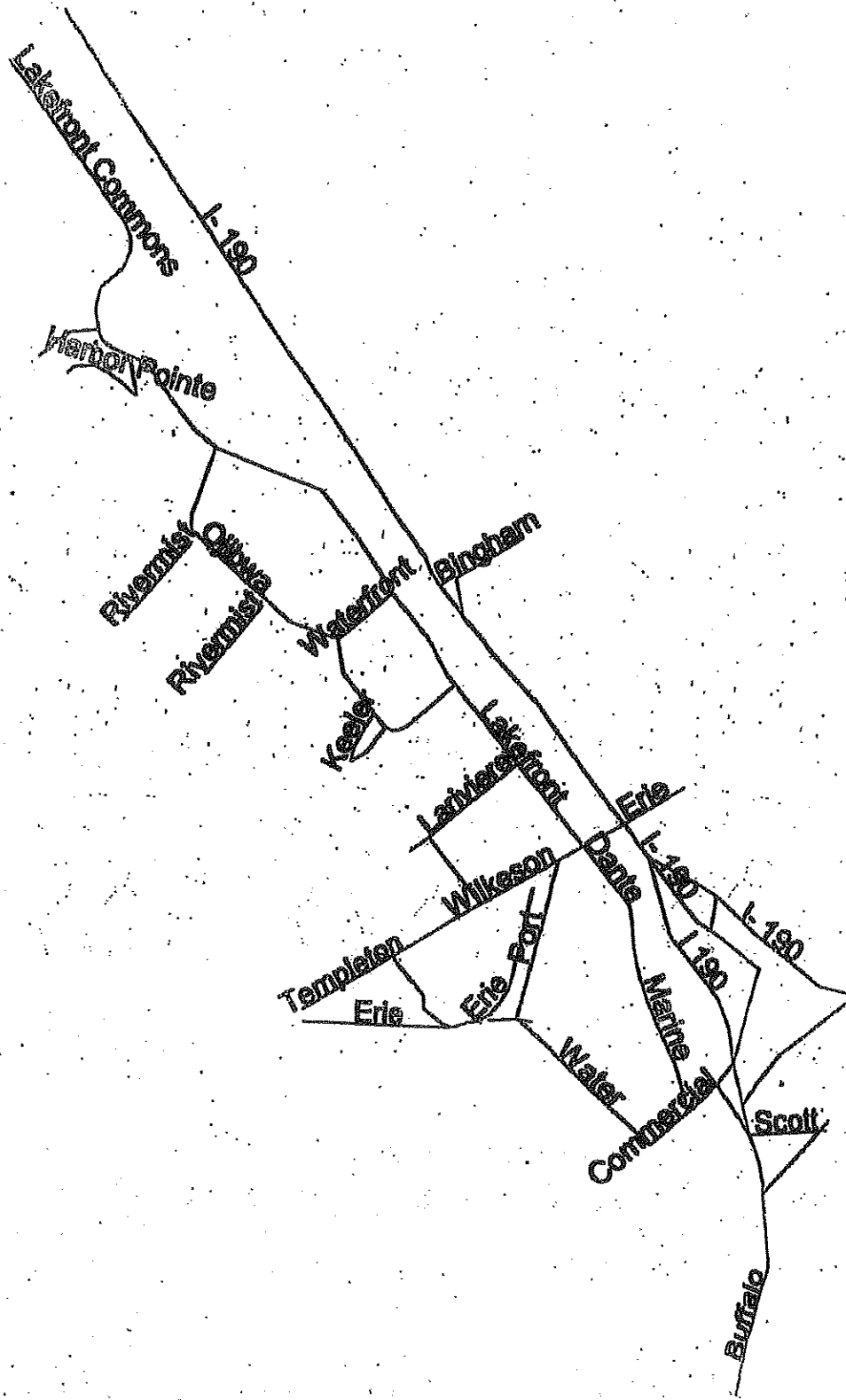


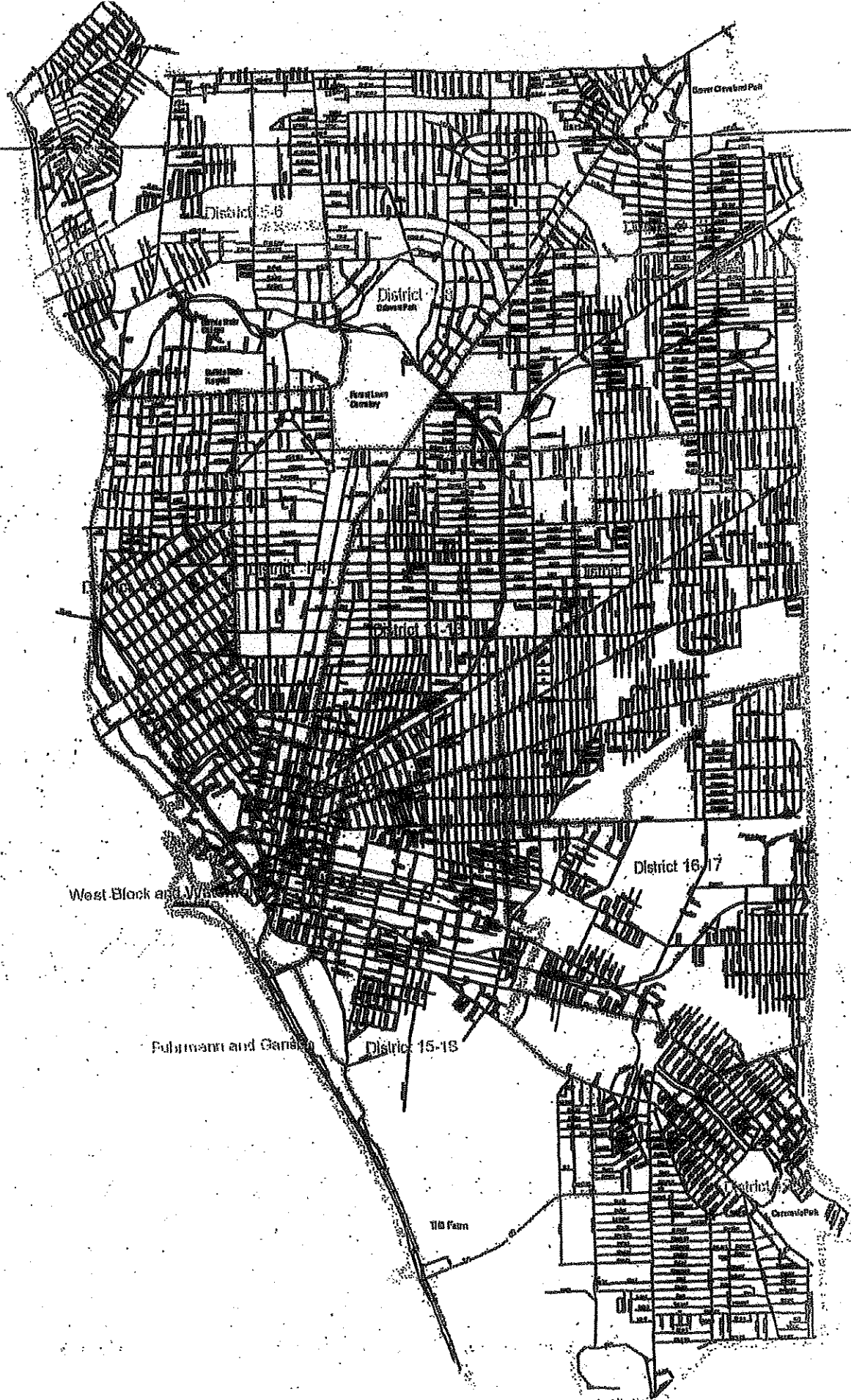
Waterfront Village (District 10)

STREET

Lakefront Blvd.	
Ojibwa Circle	
Waterfront Circle	
LaRiviere Drive	
Wilkeson Way	
Templeton Terrace	
Erie Rd.	
Bingham St.	Behind Hilton Hotel
Perry Blvd.	

Waterfront Village





ENTERPRISE GPS SOLUTION
FOR THE DEPARTMENT OF PUBLIC WORKS, PARKS, & STREETS
AND CITY OF BUFFALO DEPARTMENTS, AGENCIES AND AUTHORITIES

- PROJECT SUMMARY -

Introduction/Goals

To enhance the efficiency of services provided by the City of Buffalo, the Department of Public Works, Parks, & Streets has initiated several improvements in its Streets Division operation. One of these improvements involves a brand new GPS monitoring system. This system is primarily used for the City's "snow fighting" operations, but will eventually expand to the entire DPW fleet. There are currently 80 DPW vehicles fitted with the GPS hardware for the 2010-11 winter season.

Key advantages to a well-executed GPS system into the City's operations are as follows:

- Greater fuel efficiency, lowering costs.
- Instantly assesses snow event situations with real-time weather and vehicle locations.
- Provide accurate reports on vehicle idling, routes, and even salt usage at any time.
- Automatically close-out 311 calls when plow has cleared snow from a street.
- Better accountability.
- Accurate vehicle maintenance assessment.

Components of the System

- The vehicle/driver (Includes tracking hardware).
- The data center (Hosts the applications and data).
- The end user (Monitors vehicles from PC and/or make changes to application).

CITY OF BUFFALO

DEPARTMENT OF PUBLIC WORKS, PARKS & STREETS

Mechanical Services Goals & Objectives

1. Maintain a list of in-service vehicles for snow removal and plowing. In order to be effective, we need to establish minimum staffing for mechanical services.
2. Establish a "Vehicle Replacement Policy" based on years of in-service and/or miles.
3. Looking at the possibility of installing plows on packers.
4. Should have plows on any vehicle that is capable of handling the plow.
5. Consolidate DPW Mechanical Services.

CITY OF BUFFALO

DEPARTMENT OF PUBLIC WORKS, PARKS & STREETS

Snow Removal Procedure on Non-Snow Days

Attached is a list of locations of business districts throughout the City of Buffalo where curbing and snow removal will occur on non-snow days (days when main, secondary & residential streets are relatively clear with no expected precipitation).

This work will be coordinated by the Director of Snow Removal and Street Cleaning.

Business Districts

1. Elmwood Avenue
2. Hertel Avenue
3. Delaware Avenue
4. Allen Street
5. Chippewa Street
6. Clinton Streets
7. Broadway Street
8. Jefferson Avenue
9. Grant Street
10. South Park Avenue
11. Ontario/Tonawanda
12. Fillmore Avenue
13. Main Street/University Area
14. Main Street/Downtownw
15. Niagara Street/LowerWestside
16. Seneca Street
17. Buffalo Niagara Medical Campus
18. Delavan/Grider Area
19. Main/Leroy Area

CITY OF BUFFALO

DEPARTMENT OF PUBLIC WORKS, PARKS & STREETS

Post Storm Report Requirements

1. Time of snow event. Ex. When snow event started, mains & secondary streets were clear, and residential streets were started and completed.
2. How much salt was use during the event and budget balance.
3. Overtime expenditures
4. Equipment status
5. Compare reports with Citizen Services to determine problem areas.
6. Commissioner Stepniak will review with Councilmembers any difficult areas they have experienced with snow removal in their district. This material must be covered in the Director's report at his discretion.
7. Parking Enforcement Information

#1 (Rev. 1/93) SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL

DATE: October 13, 2010

FROM: DEPARTMENT: Public Works, Parks & Streets

DIVISION: WATER

SUBJECT: [: Permission to engage services of Consulting Engineer
[: for the next Phase of the (Large Meter Replacement Project
[: City-wide)

PRIOR COUNCIL REFERENCE: (IF ANY) [:

Ex. (Item No. xxx, C.C.P. xx/xx/xx)

TEXT: (TYPE SINGLE SPACE BELOW)

I respectfully request that Your Honorable Body authorize the Department of Public Works, Parks and Streets to grant permission to hire a consultant to provide study, design, bid, and construction management services for Phase 3 of the Large Meter Replacement Program.

The costs for consulting services are estimated not to exceed \$105,000.00 and the construction cost is estimated to be \$500,000.00. The funds are available in a Division of Water account 53220776.

PJM:cmg

TYPE DEPARTMENT HEAD NAME: Peter J. Merlo, P.E., City Engineer FOR

TYPE TITLE: Steven J. Stepniak, Commissioner of Public Works, Parks & Streets

SIGNATURE OF DEPARTMENT HEAD:



45

Mr. Fontana moved:

That the above communication from the Commissioner of Public Works, Parks and Streets dated October 13, 2010 be received and filed; and

That the Commissioner of Public Works, Parks & Streets be, and he hereby is granted permission to hire a consultant to provide study, design, bid and construction management services for Phase 3 of the Large Meter Replacement Program. Funds for this project are available in a Division of Water account 53220776.

Passed.

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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	*	*	*	*
	*	*	*	*

Maj - 5
2/3 - 6
3/4 - 7

TO: THE COMMON COUNCIL

00021

DATE: October 13, 2010

FROM: DEPARTMENT: Public Works, Parks & Streets

DIVISION: Buildings

SUBJECT: [: Permission to Hire Consultant
[: 2011 Dept. of Homeland Security (DHS)
[: Data Call
[:


PRIOR COUNCIL REFERENCE: (If Any) [:
EX. (ITEM NO. CCP)

TEXT:

Permission is hereby requested from Your Honorable Body to retain a consultant to conduct research for the 2011 Department of Homeland Security (DHS) Data Call. The information is necessary to identify all critical infrastructure that is eligible for the DHS Homeland Security Grant Program (HSGP) in Buffalo and Niagara counties.

The consultant is needed to meet the requirements of the Homeland Security Grant Program application. The City receives millions of dollars annually from the Department of Homeland Security, and the Data Call is critical to qualify for the monies; Critical Infrastructure accounts for 15% of the rating for the BEN UASI.

Funds are available in the HSGP for year six (6).


Acting Principal Engineer

REFERRED TO THE COMMITTEE
ON FINANCE.

SJS/PJM/DDC/dlg

Department Head Name: Steven J. Stepniak

Title: Commissioner of Public Works, Parks & Streets

Signature of Department Head: _____

22

#1 (Rev. 1/93) SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL

DATE: October 13, 2010

FROM: DEPARTMENT: Public Works, Parks & Streets

DIVISION: Buildings

SUBJECT: [: Permission to Hire Consultant
[: City Court
[: Renovation of Existing Basement Area
[: for Temporary Detention Area
[: Ellicott District

PRIOR COUNCIL REFERENCE: (If Any) [:
EX. (ITEM NO. CCP)

TEXT:

Permission is hereby requested from Your Honorable Body to retain a consultant to provide professional architectural and architectural analysis and design for City Court, Renovation of Existing Basement Area for Temporary Detention Area. This project shall attempt to find a more efficient and cost effective means to handle and process detainees through the arrest, booking and arraignment process. Funds are available in 30000106-445100 - Planning for Capital Projects.

The estimated consulting budget for this project is not to exceed \$100,000.00.

SJS/PJM/DDC/dlg

Department Head Name: Steven J. Stepniak

Title: Commissioner of Public Works, Parks & Streets

Signature of Department Head: _____

21A

R7

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
	*	*	*	*
	*	8	0	*
	*	*	*	*
	*	*	*	*

Maj - 5

2/3 - 6

3/4 - 7

That the Common Council hereby approves the Commission Public Works, Parks and Streets' to retain a consultant for professional, architectural and architectural analysis services and design for City Court renovation of the existing basement area for temporary detention area. Funds are available in 30000106-445100 - Plng for Capital Projects not to exceed \$100,000.00.
Passed.

#1 (Rev. 1/93) SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL

DATE: October 8, 2010

FROM: DEPARTMENT: Public Works, Parks & StreetsDIVISION: Buildings

SUBJECT: [: Report of Bids
 [: Old First Ward Community Center
 [: Gutter Reconstruction
 [: Job #1039
 [: Fillmore District

PRIOR COUNCIL REFERENCE: (IF ANY) [:
(EX.: Item No. CCP)

TEXT:

I advertised for on August 31, 2010, and received the following formal sealed bids for Old First Ward Community Center, Gutter Reconstruction, which were publicly opened and read on September 15, 2010.

Grove Roofing Services, Inc. \$72,900.00
131 Reading, Buffalo, NY

No other bids received.

I hereby certify that the foregoing is a true and correct statement of all bids received and that Grove Roofing Services, Inc., with a bid of Seven Two Thousand Nine Hundred and 00/100 Dollars (\$72,900.00), is the lowest responsible bidder in accordance with the plans and specifications. Funding for this project is available in 33320606 445100 - Buildings.

SJS/PJM/DAH/dlg

cc: Contract Compliance Office
Buildings

Department Head Name: Peter J. Merlo, P.E.

Title: City Engineer

Signature of Department Head: 

51

22

58
Mr. Fontana moved:

That the above communication from the Commissioner of Public Works, Parks and Streets dated October 8, 2010, be received and filed; and

That the Commissioner of Public Works, Parks and Streets, be, and he hereby is authorized to award a contract for Old First Ward Community Center, Gutter Reconstruction, to Grove Roofing Services, Inc., Job #1039, the lowest responsible bidder, in the amount of \$72,900.00. Funds for the project are available in 33320606 445100 - Buildings.

Passed.

53

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*

*	*	*
*	8	*
*	*	0
*	*	*

Maj - 5

2/3 - 6

3/4 - 7

54

SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL:
DATE: 10/07/2010
FROM: DEPARTMENT: Public Works
SUBJECT: [Request to Purchase Vehicle & Equipment
[
[
[

PRIOR COUNCIL REFERENCE: (IF ANY)
Ex. (Item No. xxx, C.C.P. xx/xx/xx)

1. (3) Freightliner tandem axle chassis from state contract PC62756 @ \$ 92,322 From 33310106-445100	\$276,966.00
2. (3) Leach 29 yd capacity refuse bodies for installation onto existing chassis @ \$85000,00 From 33310106-445100	255,000.00
3. (2) Everest 16' dump body, plow frames & patrol wing plow from #7471 @ 51,086.00 From 15050007-474100	102,172.00
4. (2) Freightliner tandem axle chassis for dump plow operation from PC 62756 @ 92,322.00 From 15050007-474200	184,644.00
5. (9) Flink 10' salt spreader bodies from #7475 @ 11.263.00 From 15050007-474100	101,367.00
TOTAL	\$ 920,149.00

SIGNATURE

DEPARTMENT HEAD TITLE :


Steven Stepniak

Commissioner

SJS/PJM/CMB

23

55

Mr. Fontana moved:

That the above communication from the Commissioner of Public Works, Parks and Streets dated October 7, 2010, be received and filed; and

That the Commissioner of Public Works, Parks and Streets and the Director of Purchase be, and they hereby are authorized to purchase the above listed vehicles and equipment for a total sum of \$920,149.00, contingent on the new vehicles being designated as not authorized for take-home use, marked with the City Seal in accordance with Chapter 53 of the City Code.

Passed.

30

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
	*	*	*	
	*	8	*	*
	*	*	0	*
	*	*	*	*

Maj - 5
2/3 - 6
3/4 - 7

POSITION ALLOCATION MAINTENANCE FORM

①

Title X Assistant Administrator
 Department/Division Public Works, Parks & Streets, Division of Streets
 Start Date 9/29/10
 Original PR No. 2007-219
 Title Code No. 1480
 Salary \$59,811
 Budget Function No. 52002601-411001 *maximum*

59

Reason for appointment (check one) ☒ Status Change ☐ Reinstatement ☐ Replacement ☐ Extension

Type of Status Change (check one)

- ☒ From Temporary to Provisional
☐ From Temporary to Permanent
☐ From Provisional to Permanent
☐ From Contingent Permanent to Permanent
☐ Other

Type of Appointment:Classification

- ☐ Permanent
☐ Contingent Permanent
☒ Provisional
☐ Temporary
☐ Seasonal

- ☐ Exempt
☐ Competitive
☐ Non-Competitive

Comments: _____

Employee Information:

Name	Judith Winnert	SS#	
Address	206 Tuscarora Rd.	DOB	
City	Buffalo	State	New York
		Zip Code	14220

<i>William Keimold</i> Signature of Appointing Authority	<i>September 24, 2010</i> Date
<i>Commissioner of Public Works</i>	
<i>Dana Estine</i> Signature of Director of Budget	<i>9/24/10</i> Date
<i>Olivera R. Hunt</i> Signature of Adm. Director of Civil Service	<i>9/29/10</i> Date

REFERRED TO THE COMMITTEE
ON CIVIL SERVICE.

Send original copy signed by Dept. Head to Budget

Send or e-mail Civil Service a copy

When approved copy is returned, send a copy to Audit along with file maintenance form, City Clerk and Budget

24

58

FROM THE COMMISSIONER OF POLICE

October 19, 2010

00026

SINGLE PAGE COMMUNICATION TO THE COMMON COUNCILTO: THE COMMON COUNCIL: DATE: SEPTEMBER 28, 2010FROM: DEPARTMENT: POLICE

DIVISION: _____

SUBJECT: |: Drug Asset Forfeiture Wire Transfers
|:

PRIOR COUNCIL REFERENCE: (IF ANY) |:Item No. 104, C.C.P. 2/2/88

Ex. (Item No. xxx, C.C.P. xx/xx/xx)

TEXT: (TYPE SINGLE SPACE BELOW)

09-FBI-002605	3110090032	2,968.32
08-DEA-504352	C2-08-0096	2,545.43
10-DEA-529456	C2-10-0084	2,154.56
10-DEA-529044	C2-10-0077	538.26
10-DEA-529662	C2-10-0088	2,807.37
10-DEA-529645	C2-10-0089	1,119.99
10-DEA-530244	C2-10-0087	895.97
10-DEA-529659	C2-10-0085	1,385.58
10-DEA-530678	C2-10-0100	1,666.98
10-DEA-530809	C2-10-0099	1,194.96
10-DEA-530425	C2-10-0095	2,884.66
10-DEA-530922	C2-10-0098	1,203.18
09-FBI-002302	3110090017	7,744.05
09-FBI-002302	3110090017	5,136.94 (15% SAFF)
US CUSTOMS	2009090100005801	77,212.50
US CUSTOMS	2009090100014901	7,752.12
US CUSTOMS	2009090100015401	1,104.63

TOTAL \$120,315.50

The Drug Enforcement Administration (DEA), U.S. Customs and/or the FBI has administratively forfeited the above referenced property. The funds were received by this Department through wire transfers and duly deposited in the Trust & Agency Account, #20010000-389001. 15% of the DEA funds have been deposited into SAFF account 10440 for fulfilling year 5 expenditures under SAFF legislation. The remaining funds will be placed into one or more of the following accounts as deemed necessary by the Commissioner of Police:

Educational Training/Seminar, Confidential Funds, Materials and Supplies, Firearms and Weapons, Communications and Computers, Electrical Surveillance, Purchase of Services, Improvements, Vehicles, Operating Equipment

If you have any questions regarding the above mentioned, please contact Inspector Joseph Strano at 851-4624.

DJR/jwsTYPE DEPARTMENT HEAD NAME: CHIEF DENNIS J. RICHARDSTYPE TITLE: CHIEF OF INVESTIGATIVE SERVICESSIGNATURE OF DEPARTMENT HEAD: **RECEIVED AND FILED**



New York State Division Of Criminal Justice Services
ASSETS FORFEITURE REPORTING PROGRAM

STATE OF NEW YORK)

) ss:

**AFFIDAVIT pursuant to Civil Practice Law and
Rules 1311(11)(c)**

COUNTY OF ERIE)

I, CHIEF DENNIS RICHARDS, as (claiming agent) (claiming authority), being duly
(Name)

sworn, depose and state that on 9/7, 9/16 & 9/22/10, the BUFFALO POLICE DEPARTMENT
(Date) (Agency)

received WIRE TRANSFERS having an estimated present value of \$ 120,315.50,
(check, vehicle, personal property, etc.) (Amount)

pursuant to chapter thirteen of Food and Drug Laws (21 U.S.C. ' 801 et seq.) of the United States

and/or chapter four of the Customs Duties Laws (19 U.S.C. ' 1301 et seq.) of the United States and/or

chapter 96 of the Crimes and Criminal Procedure Laws (18 U.S.C. ' 1961 et seq.) of the United States.

[Signature]
Signature

DATE: 9/28/2010

CHIEF OF INVESTIGATIVE SERVICES

Title

On the 28th day of Sept in the year 2010, before me personally came

(Day)

(Month)

(Year)

Dennis J. Richards
(Name)

to me known, who, being by me duly sworn, depose and say

that s/he is employed by the

City of Buffalo Police Dept
(Agency)

and that s/he

was authorized by and did execute the above affidavit at the direction of said entity and that s/he

signed for/his name thereto.

Judith M Loncar
Notary Public

Judith M Loncar
Notary Public State of New York
Qualified in Erie County
My Commission Expires: 12/31/2010

Mail to:

**NYS Division of Criminal Justice Services
Assets Forfeiture Reporting Program
Office of Public Safety
4 Tower Place
Albany, NY 12203**

09/28/2010 11:51
jstanchak

CITY OF BUFFALO
| SCHEDULE OF DEPARTMENT PAYMENTS TO TREASURER

PG 1
| ardpmpmt

REF #: DEPT/LOC: POLICE DATE: Sep. 28, 2010

RECEIPT DESCRIPTION/REFERENCE ACCOUNT

1518551 DRUG ASSET FORF

20010000	389001	2,968.32
20010000	389001	2,545.43
20010000	389001	2,154.56
20010000	389001	538.26
20010000	389001	2,807.37
20010000	389001	1,119.99
20010000	389001	895.97
20010000	389001	1,385.58
20010000	389001	1,666.98
20010000	389001	1,194.96
20010000	389001	2,884.66
20010000	389001	1,203.18
20010000	389001	7,744.05
20010000	389001	5,136.94
20010000	389001	77,212.50
20010000	389001	7,752.12
20010000	389001	1,104.63

**** RECEIPT TOTAL

120,315.50

TOTAL COLLECTED/TURNED OVER:

120,315.50

REPRESENTING COLLECTION FROM: 09/28/2010 TO 09/28/2010

REF #: DEPT/LOC: POLICE

DATE: Sep. 28, 2010

SIGNATURE: *[Signature]*

TITLE: *SL. & V. C. B. EXAMINER*

DEPARTMENT SUMMARY

ACCOUNT DESCRIPTION

20010000 389001
20010000 389001 10440

DEA PROP MISC REVENUE
SHARE ASSET FF YR 5 RV MISC RV

AMOUNT
115,178.56
5,136.94

RECEIVED

SEP 28 2010

TREASURY

62

FROM THE CORPORATION COUNSEL

October 19, 2010

MULTIPLE PAGE COMMUNICATION TO THE COMMON COUNCIL**TO: THE COMMON COUNCIL****DATE: 10-14-10****FROM: Department of Law****SUBJECT: (: Decisions regarding Savarino v. City of Buffalo : 2010-3489
(:****PRIOR COUNCIL REFERENCE: (IF ANY) (:****TEXT: (TYPE SINGLE SPACE BELOW)**

Pursuant to Councilmember LoCurto's request for the Decisions of the Honorable Patrick H. NeMoyer, J.S.C. relative to the above-entitled matter, attached please find a Decision and Judgment dated July 7, 2010, which annulled the Council's approval of the sale of the former School #36 to Elmwood Village Charter Schools and a subsequent Decision and Order that denied Elmwood Village Charter Schools' application to intervene in the underlying action. Potential appeals of both Decisions have been timely noticed.

While our office has been very candid about addressing Your Honorable Body's concerns regarding this pending litigation to date, the Law Department will now provide the Common Council with advice and counsel relative to this matter through Attorney-Client privileged communications only, so as to not abridge the City's likelihood of success on appeal or to create any bases for additional legal challenges to any new process undertaken.

Given the Community Development Committee's prior examination of this issue, the Law Department respectfully suggests that the item be sent to said Committee for its further review. Thank you for your attention to this matter.

TYPE DEPARTMENT HEAD NAME: DAVID RODRIGUEZ**TYPE TITLE: CORPORATION COUNSEL****SIGNATURE OF DEPARTMENT HEAD:**

Fitz N. Bell (A.P.C. - due to conflict)

**REFERRED TO THE COMMITTEE
ON COMMUNITY DEVELOPMENT. 1**

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At a Special Term of the Supreme
Court, State of New York, at the
courthouse in Buffalo, New York on
the 7th day of JULY, 2010

STATE OF NEW YORK :
SUPREME COURT : COUNTY OF ERIE

SAMUEL J. SAVARINO,
Petitioner,

For a Civil Judgment Under Article 78
of the Civil Practice Law and Rules,

DECISION and JUDGMENT

INDEX NO. 2010/3489

THE CITY OF BUFFALO,
CITY OF BUFFALO COMMON COUNCIL,
and CITY OF BUFFALO APPRAISAL
REVIEW BOARD,

Respondents.

APPEARANCES: RALPH C. LORIGO, ESQ., for Petitioner
TIMOTHY A. BALL, ESQ., for Respondents

PAPERS CONSIDERED: The ORDER TO SHOW CAUSE of Petitioner;
the ARTICLE 78 PETITION, with annexed exhibits;
the NOTICE OF MOTION TO DISMISS of respondents, with
annexed exhibits;¹
the AFFIDAVIT IN OPPOSITION of Ralph C. Lorigo, Esq., with

¹Although this Court initially was presented with respondents' motion to dismiss the petition for failure to state a cause of action, the Court prevailed upon respondents to answer the petition and file their return, whereupon the Court would finally dispose of the matter on its merits. As far as the motion is concerned, it remains for the Court to address only respondent's contention that the petition should be dismissed for petitioner's failure to name a necessary party, i.e., Elmwood Village Charter School (see CPLR 1001, 1003, 3211 [a] [10]). The Court rejects that contention. Dismissal should eventuate only where jurisdiction cannot be obtained over the non-joined party (and where the non-joined party will not voluntarily appear in the action) and further only where the court, in its discretion and in consideration of the factors outlined in CPLR 1001 (b) decides not to allow the action to proceed in the absence of such party (see *Matter of Redhook/Gowanus Chamber of Commerce v New York City Bd. of Stds. & Appeals*, 5 NY3d 452, 457-459 [2005]). Even then, dismissal of an action under such circumstances should occur only as a "last resort" (*Saratoga Chamber of Commerce v Pataki*, 100 NY2d 801, 821 [2003], *cert denied* 540 US 1017 [2003]).

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annexed exhibits;

the ANSWER of respondents;

the CERTIFIED RECORD;

the AFFIDAVIT OF JOHN P. HANNON, JR.;

the ATTORNEY AFFIRMATION of Michael E. Ferdman, Esq.,
with annexed exhibits;

the AFFIDAVIT of Elizabeth Evans, with annexed exhibits;

the REPLY AFFIDAVIT of Ralph C. Lorigo, Esq., with annexed
exhibits; and

the April 30, May 4, June 2, and June 23, 2010 correspondence of
counsel, with any attachments.

BACKGROUND:

Samuel J. Savarino (petitioner) is a would-be purchaser of a property located at 10 Days Park in Buffalo (the property). The property is owned by respondent City of Buffalo (the City) and was used until a year ago by the Buffalo City School District as Public School No. 36. Petitioner desires to purchase the property for continued use as a school by the nascent West Buffalo Charter School, his prospective tenant, which hopes to occupy the 1.5-acre parcel and its 36,025- to 37,075-square-foot building by the beginning of the 2010-2011 school year. To that end, petitioner has made what has been described to this Court (during two oral arguments) as an irrevocable, unconditional offer to buy the property for at least \$800,000.

A second suitor for the property, and at this point in the proceedings much more than a prospective buyer (the City having determined to sell the property to it) is the existing Elmwood Village Charter School (Elmwood Village),² which is not a party to this proceeding but which has

²The City's impending sale of the property to Elmwood Village, contractually scheduled for June 15, 2010, has been restrained pending the outcome of this proceeding by the terms of an order to show cause granted by Supreme Court Justice Kevin M. Dillon.

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submitted papers in opposition to the instant CPLR article 78 petition. That petition seeks a judgment annulling, as arbitrary and capricious and the product of unlawful procedures (see CPLR 7804 [3]), the March 16, 2010 resolution of respondent City of Buffalo Common Council (the Council). By that resolution, the Council "formally accept[ed] and confirm[ed] the Appraisal Review Board's [v]alu[ation] of \$540,000.00 for 10 Days Park and further approve[d] the Purchase Offer Sale Agreement attached thereto and authorize[d] the Acting Corporation Counsel to draft any further necessary documents to effectuate the sale and disposition [of the property to Elmwood Village for \$540,000] and authorize[d] the Mayor to execute the same." The preceding sentence refers to respondent City of Buffalo Appraisal Review Board [the ARB or Board] and to what purports to be its written report of March 9, 2009 fixing or finding the value of the property at \$540,000 for purposes of such sale, although the report in question is nominally that of the City of Buffalo Office or Department of Strategic Planning, Division of Real Estate [the OSP], of which the aforementioned ARB is a part. The petition further seeks a judgment annulling that purported report of the ARB as arbitrary and capricious, the product of unlawful procedures, and an excess of jurisdiction on the part of an allegedly improperly constituted ARB.

LEGAL CONTEXT:

Section 18-43 of the City of Buffalo Charter (the Charter) establishes the ARB as a municipal board consisting of four members appointed by the Mayor and confirmed by the Council for four-year terms, staggered annually. One of the ARB's members "shall be a private real estate appraiser with ten years experience," whereas another "shall be a licensed real estate broker." The Corporation Counsel, the City's Director of Real Estate, and the Chair of the Council's Committee on Finance serve as ex-officio members of the board, with voting privileges "only when two of the four members of the board are present or a majority vote is

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necessary." Section 18-45 of the Charter, entitled "Duties and Powers," provides:

"The board shall establish a list of qualified real estate appraisers eligible to perform appraisals. Such appraisals, when directed by the common council[or other municipal officials]. . . , shall meet the standards and format requirements determined by the board. The board shall review the appraisals submitted; determine whether or not said appraisals meet the standards and format requirements of the board; and thereupon, within ten days thereafter, report the results of said appraisals, with its recommendations, to the appropriate body [i.e., the common council] which requested the same."

Sections 27-4 through 27-6 of the Charter govern the sale of City-owned real property that the Council has deemed abandoned for purposes of public use. Section 27-4, entitled "Sale of Abandoned Real Property," provides:

"After an appraisal or after the receipt of bids made at public auction as provided in the two succeeding sections, the council may by a two-thirds vote of all the members elected thereto authorize the sale of real property acquired by the city for public use, which has not been appropriated thereto, or the use of which such purpose has been abandoned, or of any unappropriated or abandoned portions of real property so acquired."

Section 27-5, entitled "Appraisal," provides:

"The council may by resolution provide that the interest of the city in any such abandoned or unappropriated real property be appraised by retaining an appraiser from the list of appraisers established by the appraisal review board. Any person desiring to acquire title to any such property may retain such appraiser at his or her own expense. The report of the board of appraisers for the purpose of fixing the value of the interest of city in such property shall be transmitted to the council for approval. If a sale be authorized as provided in the foregoing section[,] the sum found by said appraisers as the value of such interest in the premises appraised shall be the amount of the compensation to be paid for the release and conveyance of said property by the party making application for such appraisal."

Section 27-6, entitled "Public Auction," provides:

"The resolution shall, in the event an appraisal is not provided for, direct that such real property be offered for sale by the commissioner of permit and inspection services at public auction. Notice of the time and place of auction, together with a short description of the property, shall be published at least once a week for two weeks in the publication or publications designated by the council. The commissioner shall transmit to the council a report of all bids received at such auction. No appraisal of such property shall be made or deemed necessary in [the] case of a public auction unless an application therefor, as provided for in the preceding section, shall have been made prior to

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the passage of the resolution directing such public auction."

FACTUAL CONTEXT:

By its resolution of May 12, 2009, the Council recognized the joint request from the Tapestry Charter School (Tapestry) and Elmwood Village to occupy/acquire the property, Tapestry via a short-term lease and Elmwood Village via a conveyance of the fee. The Council consequently authorized the OSP to negotiate a lease with Tapestry for the 2009-2010 school year. Additionally, the Council authorized the abandonment and sale of the property to Elmwood Village in accordance with section 27-5 of the Charter, governing a sale by appraisal. By its resolution, the Council did not, as seemingly required by sections 18-45 and 27-5 of the Charter, "direct[]" an "appraisal[]" or "retain[] an appraiser" (i.e., for the City itself) "from the list of appraisers established by the [ARB]." It is not clear whether, when the Council passed its resolution, there already existed a 117-page self-contained appraisal prepared by Klauk, Lloyd & Wilhelm, Inc. (KLW) for Elmwood Village and Tapestry. If not, such an appraisal was prepared and furnished to Elmwood Village, at its expense and Tapestry's, within five days of the Council's resolution (several days, it appears, before the City advised Elmwood Village that its "next step" was to hire an appraiser). KLW appraised the property at \$725,000 (about \$19.50 sq. ft.) for purpose of sale and at \$157,573 (\$4.25 sq. ft.) per year for purpose of lease.

In July 2009, the Council authorized the City to enter into a lease entitling Tapestry to occupy the property as a charter school for one year in exchange for rent of \$157,573, the rental value arrived at in the KLW appraisal. Such a lease was in fact executed, Tapestry went into occupancy for the 2009-2010 academic year, and that lease has now expired. It is notable that, at that time, the property was assessed by the City at \$891,600.

Elmwood Village obtained a second, 76-page "summary" appraisal from GAR Associates, Inc. (GAR) on September 8, 2009 (although that appraisal is referred to by the

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parties by a June 3, 2009 date). GAR (initially) appraised the property at \$250,000 (or about \$7 sq. ft.) for purpose of sale. However, on September 30, 2009, GAR submitted a three-page letter "reanalyz[ing]" its data, "critiqu[ing]" the KLV appraisal, and raising GAR's own estimate of the property's fair market value to \$310,000 (or about \$8.50 sq. ft.) for purposes of sale.

On October 7, 2009, Elmwood Village obtained a two-page opinion letter from a third appraiser, Northeastern Appraisal Associates (Northeastern), which likewise critiqued the KLV appraisal and the GAR appraisal. That criticism was to the effect that the final value derived by the KLV report was "high" and not "reasonable" but that the GAR appraisal, as re-analyzed, had reliably arrived at a market value of \$310,000 for the property.

On October 15, 2009, Elmwood Village made a written proposal (not a binding offer) to purchase the property from the City for \$310,000.

From the beginning of 2009, in the meantime, petitioner had some awareness that the City was considering selling the property and repeatedly expressed his interest in buying the property to responsible municipal officials, including John P. Hannon, Jr., Director of Real Estate in the City's OSP (and as such as ex-officio member of the ARB). Thus, in early March 2009, petitioner's project coordinator inquired of the City School District concerning its plans for the property and the possibility of conducting a walk-through inspection of it. In return, petitioner received from City officials a "set of plans" for the school building. In early April 2009, petitioner inquired again and was informed that the City's sale of the property would be handled by Hannon. In mid-April, petitioner's project manager e-mailed Hannon of petitioner's interest in acquiring the property. In a follow-up letter, petitioner asked to be notified of any opportunity to submit a proposal for such acquisition. On April 14, 2009, Hannon e-mailed back that he would "place" petitioner's "letter of interest on [a] list of interested parties to be notified." (Petitioner alleges that, notwithstanding that promise, he did not learn until October 2009 that the Council had resolved on May 12, 2009 to abandon and sell the property to Elmwood Village via the

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sale-by-appraisal process set out in section 27-5 of the Charter.) In the interim, on July 20, 2009 and again two days later, petitioner reiterated his interest in acquiring the property and sought "any direction" that Hannon could provide him concerning the appropriate "manner" of realizing that objective. In mid-August 2009, Hannon allegedly advised petitioner's project coordinator that City officials had "not made progress on what they plan on doing to dispose of the property," had instead been focused "on getting the lease resolved," but would soon meet with City lawyers "to determine what they are able to do to offer the property to others" and to review any competing "proposals."

Although respondents now emphasize that, during this critical period, petitioner (unlike Elmwood Village) failed to retain a real estate appraiser at his own expense pursuant to section 27-5 of the Charter, there is no indication in the record that any City official ever directed or even suggested that petitioner do so. Instead, petitioner alleges, City officials invited petitioner to simply make a written purchase offer that they would then review before contacting petitioner for "additional information/talks." Consequently, on August 11, 2009, petitioner conveyed his formal offer to purchase the property for its "fair market value as determined by [a] third-party appraisal," an offer accompanied by \$1,000 in earnest money. Although petitioner invited the City's response to or "questions" about that offer, the record reflects no immediate communication back from the City.

As indicated *supra*, City officials informed petitioner's agents about two months later (at a face-to-face meeting) that the Council had, besides leasing the property to Tapestry for one year, authorized the sale of it to Elmwood Village. The City then informed petitioner that the appraised value of the property (actually, the highest of four appraisals or opinions obtained by Elmwood Village to that point) was \$725,000. The City further advised petitioner that it would welcome a revised "proposal" from petitioner and even outlined for petitioner what information should be included in his proposal. Accordingly, on October 30, 2009, petitioner reiterated its

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prior formal offer to purchase the property for its fair market value as determined by the third-party appraisal and further pledged to undertake renovations and repairs worth an estimated \$350,000. Again, as far as revealed by the record, there was no municipal expression of either satisfaction or dissatisfaction with petitioner's purchase offer, even in response to petitioner's December 7, 2009 request for an "update" from the City.

On December 21, 2009, the ARB met to "review the appraisals submitted," as required by Charter sections 18-44 and 18-45. Present at the meeting were two of the Board's four mayoral appointees and two of its three ex-officio members, including Hannon, who chaired the meeting, and Acting Corporation Counsel David Rodriguez, who had recused himself from the matter at hand. Also attending the meeting were various representatives of Elmwood Village, as well as the authors of the GAR and Northeastern appraisals (but not the author of the K LW appraisal). Petitioner apparently was not apprised of the meeting of the ARB and thus was not represented thereat. The members of the ARB were made aware of the existence of the K LW self-contained appraisal report and the comparables utilized therein (and of the GAR summary appraisal and the comparables utilized therein), although it is not clear to this Court that all of the members had knowledge of the competing values -- \$725,000 versus \$310,000 -- ultimately arrived at in those appraisals. Although according to Section 18-45 of the Charter, the ARB is obligated to review the appraisals themselves, the Board's focus at the meeting was on a subset of the most critical information contained therein, as incorporated into a worksheet prepared by Hannon. That worksheet set forth the actual and adjusted per-square-foot sales prices of the eight comparables used in the K LW appraisal and the ten comparables used in the GAR appraisal (two comparables were common to both appraisals). Further, although it was announced at the outset of the discussion that the ARB's task was simply to "review the appraisals submitted and determine the value of the property," the Board nonetheless saw fit to entertain public comment from advocates of the sale of the property to Elmwood Village.

When the ARB members ultimately got to the question of value, discussion centered on the fact that the income approach to valuation was unwarranted because the school had been the subject of only a short-term lease and, and unlike comparable rental properties, had not been renovated (no one seemed to recognize that the objective of a capitalization-of-income approach to valuation is to impute to the premises an economic rental value that is not in the least dependent on an actual rental history; further, nobody saw fit to mention that the actual rent had been about \$158,000/year even without renovations). Discussion next turned to the suitability of various comparables utilized in the market data analysis set forth in the K LW and GAR appraisals. That brief discussion culminated in one board member's opinion that the value of the property was between \$15 and \$17 per square foot. That board member then moved that the value of the property be set at "\$15.00 sq. ft. or a total of \$540,00.00." That motion unanimously carried. Although respondents now contend that the ARB gave weight to five of the 18 comparables (those involving sales of buildings within the City for continued use for school purposes), the Court notes that \$540,000 is precisely the mean of the highest and lowest figures in the broad range of "rounded" values (\$260,000 to \$820,000) indicated by all 18 comparables analyzed on the worksheet.

Although, during the aforementioned meeting, counsel for Elmwood Village immediately and publicly bemoaned that finding of value by the ARB and declared his client's intention to appeal that finding to the Council, Elmwood Village in late February or early March 2010 submitted a written offer to purchase the property for \$540,000. That purchase offer, which contains significant printed and handwritten terms and conditions relating to a potential environmental hazard on the site, was forwarded to the Council for its consideration, along with a report dated March 9, 2010 and signed by Hannon as Director of Real Estate in the OSP. That report recited the ARB's finding that the value of the property is \$540,000, along with what is framed as Hannon's personal recommendation that the Council approve the sale of the

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property to Elmwood Village at that price. Significantly, the report twice refers to the ARB having reviewed an "appraisal" (i.e., not the multiple appraisals or opinions obtained by Elmwood Village to that point) "and other appraisal[-]related calculations and materials."

The recommendation to sell the property to Elmwood Village for \$540,000 came before the Council on March 15, 2010. In response, the Council requested a legal opinion from the Corporation Counsel concerning 1) whether the process outlined in Sections 27-4 and 27-5 of the Charter had been complied with, and 2) the impact, if any, of petitioner's competing offer to purchase the property. It appears that petitioner personally had appeared before the Council on March 15 with his plea to buy the property for \$800,000, i.e., for \$75,000 more than the initial appraisal amount and \$260,000 more than Elmwood Village had offered. Actually, after making an informal offer to that effect in mid-January, petitioner on February 9, 2010 had submitted a revised formal, non-contingent offer to purchase the property for the greater of \$800,000 or its appraised value, an offer accompanied by a non-refundable \$25,000 down payment and a promise of an additional \$55,000 deposit (likewise non-refundable) upon the City's acceptance of petitioner's offer. In an opinion letter dated the next day, the Corporation Counsel basically opined that the sale-by-appraisal process had been complied with; that the Council at that point had to sell the property, if at all, to Elmwood Village, for \$540,000; and that the existence of petitioner's competing offer did not "impede" the Council's "discretion to sell the property" and "ability to act in this regard."

Upon receipt of that opinion letter, and after issuing a declaration of no environmental significance via a Short Environmental Assessment Form, the Council unanimously resolved to sell the property to Elmwood Village for \$540,000.

THE PETITION:

Petitioner then commenced the instant CPLR article 78 proceeding challenging the

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purported report of the ARB and the Council's approval of the \$540,000 sale to Elmwood Village on the following bases: that the sale-by-appraisal process was not followed; that the ARB was not properly constituted; that the ARB did not issue any report or recommendations to the Council; that the ARB exceeded its jurisdiction; that respondents ignored the fair market value of the property; that respondents breached their fiduciary duties to the citizenry in selling the property for less than its fair market value; and that respondents did not comply with the requirements of SEQRA. Of those allegations, this Court need concern itself directly only with those that implicate the process followed by respondents in this matter, although the Court has concerns that respondents propose to sell the property for considerably less than its fair market value.

DISPOSITION:

First, the Court notes that the Council, in issuing its resolution of March 2009, failed to follow the procedure laid out in section 27-5 of the Charter. That section states that the Council "may by resolution *provide that the interest of the city in any such abandoned or unappropriated real property be appraised by retaining an appraiser* from the list of appraisers established by the ARB," then goes on to state that any prospective purchaser additionally "*may retain such appraised at his or her own expense*" (emphasis supplied). That language, especially the permissive "may" employed in the latter clause, suggests that neither the initiating purchaser nor any other prospective buyer would necessarily have to commission its own appraisal, but that such entities might merely offer to meet the price specified by the City's appraisal. However, section 27-5 unmistakably provides that the City will, upon considering whether to sell public property as abandoned for public use, retain its own appraiser. In other words, although an interested purchaser such as Elmwood Village clearly has the option of retaining its own appraiser according to the second sentence of section 27-5, the process is to commence, in all

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instances, by the retention of an appraiser by the City. That is as indicated by the "by retaining" language of section 27-5 of the Charter provision, is corroborated by the reference in section 18-45 to the Council's having "directed" one or more "appraisals," and is for reasons obviously having to do with the City's need to obtain an independent opinion of value rather than relying strictly on appraisals ordered up by the prospective buyer. Nevertheless, the Council's resolution of March 2009 does not provide for the City's hiring of its own appraiser, nor did the City ever retain its own appraiser at any point in the process. Instead, the only appraisals ever considered by the City (assuming that they were in fact all reviewed by the ARB) were obtained at the behest and expense of an interested purchaser (actually, one of two interested purchasers), Elmwood Village.

The Court next focuses on some unfairness shown by City officials to Elmwood Village throughout 2009, and certainly well in advance of the December 2009 meeting of the ARB, whose "review [of] the appraisals submitted" could not help but be tainted by such unfairness. Although the City now emphasizes that only Elmwood Village, and not petitioner, followed the Charter-specified process by retaining its own appraiser, it appears that only Elmwood Village was ever invited to pay for and submit an appraisal. Although petitioner early on had unequivocally indicated its interest in purchasing the property, and although petitioner had just as early on unconditionally offered to pay the fair market value *as appraised by a third party*, and although petitioner further had repeatedly besought City officials for *accurate information concerning the process*, City officials never suggested or directed that petitioner obtain an appraisal of his own. Instead, City officials invited petitioner to submit a purchase offer or "proposal," which he did (several times over). Once petitioner offered to pay that price, \$725,000, specified by the highest appraisal obtained to that date, it would have been at best redundant for the City to require petitioner to order up yet another appraisal. It is thus unseemly and unfair for the City to now argue that petitioner's failure to obtain an appraisal

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forecloses any consideration by the City of petitioner's purchase offer, especially where that offer now names a price, \$800,000, *exceeding any appraisal* obtained by Elmwood Village in this matter, and especially where that offer conveys petitioner's alternative commitment to pay the *highest appraised value* for the property (should the City finally commission its own appraisal).

There is further evidence of preference shown towards one prospective buyer over the other in the manner in which City officials permitted Elmwood Village to submit multiple appraisals, with the more recent appraisals effectively undercutting the initial appraisal obtained by that entity (and conveyed to the City, which in turn eventually related the \$725,000 figure to petitioner). There is no provision in section 27-5 for a prospective purchaser to submit multiple appraisals, and this Court can conceive of no legitimate reason why City officials, upon being informed of an initial appraisal finding a value of \$725,000 for the property, should have entertained multiple subsequent appraisals/opinions/proposals submitted by the same prospective buyer and listing values of only \$260,000 and \$310,000, respectively. That is all the more true considering that, as soon as the City communicated the initial appraisal amount of \$725,000 to petitioner, he immediately put in his unconditional offer to purchase the property at such appraised value. Obviously, a non-contingent (and appraisal-matching or -exceeding) offer such as petitioner's is far more probative of value than any mere appraisal could ever be (see *Plaza Hotel Assocs. v Wellington Assocs.*, 37 NY2d 273, 277 [1975], quoting *Matter of Woolworth Co. v Tax Comm.*, 20 NY2d 561, 565 [1967] for the proposition that the price willingly paid by an arms-length purchaser is, unless explained away, evidence of the "highest rank" on the issue of the valuation of a property).³

³By the same token, the recent arms-length rental of the property by Tapestry for \$158,000 per year also constituted highly probative evidence of value that ought not to have been completely ignored by City officials.

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There was a further failure to follow the dictates of the Charter at and after the ARB's meeting of December 2009. With its focus on the pertinent provisions of the Charter, the Court will leave aside the fact that representatives and public supporters of Elmwood Village were in attendance with certain of their appraisers in order to lobby the members of the Board, whereas petitioner had not been informed of the meeting. Nonetheless, the Court notes that section 18-45 requires that the "board review the appraisals submitted." It does not appear to this Court as though that was done. Instead, it appears to this Court that the Board reviewed only a subset of the data contained in the appraisals. If the Board was ever apprised of the initial appraisal of \$725,000 for the property, that most basic fact was not mentioned either during the ARB's recorded discussions nor in the written materials placed before the Board. The same is true with regard to petitioner's then extent offer to purchase the property for its highest appraised value, i.e., at least \$725,000. Further, although section 18-45 requires the ARB to "determine whether or not said appraisal meets the standards and format requirements of the board," that appears not to have been done, at least not explicitly (the Court is quite skeptical that either of the letter opinions arriving at a value of \$310,000 would have met any appraisal standards or criteria of the least stringency). Still further, section 18-45 requires the Board to have reported "the results of said appraisals, with its recommendations," to the Council (and to have done so within ten days of its meeting). That was not done here either, whether within the required time period or otherwise. First, the only report ever received by the Council for the exercise of its "approval" or disapproval was written by Hannon on behalf of OSP, not by or on behalf of the ARB itself. Second, no one, not Hannon nor the ARB, appears to have reported the "results" of the appraisals. Again, if the Council was ever made aware that the initial appraisal obtained by Elmwood Village recited a value of \$725,000, that fact does not appear in the record. The same is true with regard to the fact that the ARB-fixed value deviated from the values recited in any of the appraisals or opinions obtained by Elmwood Village – the OSP report doesn't recite

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that fact and nothing in the record indicates that the Council ever was informed of it.

Significantly, the report twice refers to the ARB having reviewed "an appraisal" and "the appraisal" (i.e., not up to four different appraisals or opinions obtained by Elmwood Village to that point). Further, the only "recommendation" ever received by the Council in connection with this matter was explicitly that of Hannon, not that of the ARB.

For all of the foregoing reasons, the Court determines that respondents' determination to sell the property to Elmwood Village for \$540,000 cannot stand. The Court takes pains to point out that it would not necessarily be arbitrary or unlawful for respondents to reject an offer of a higher purchase price from one prospective buyer in favor of a monetarily lower but socially more beneficial offer from a different prospective purchaser (*see New City Jewish Ctr. v Flagg*, 111 AD2d 814, 815-816 [2d Dept 1985], *affd for reasons stated* 66 NY2d 980 [1985]).⁴

However, at some level, respondents were bound to recognize that the pertinent provisions of the Charter exist to create an orderly and not an arbitrary or even a chaotic procedure for the sale of surplus public property. Respondents were also bound to recognize that the overriding objective of the Charter-specified procedures is in fact to enable the municipal

⁴Respondents make much of the fact that, at the City's insistence, Elmwood Village has agreed to 1) indemnify the City regarding any adverse environmental condition of the property, including that pertaining to an ancient underground fuel tank on the premises; and 2) reimburse the City, dollar for dollar, for any environmental remediation expenses incurred by the City before closing, which reimbursement will be added to the original \$540,000 price. Respondents assert that it is rational and prudent of them to sell the property to Elmwood Village on those terms, which are not contained in petitioner's competing offer to buy the property for \$800,000 or its higher appraised value. The Court cannot accept that argument, and not just because the City never formally invited petitioner to match those indemnification and price-escalation terms as part of its competing offer. Upon examining the terms in question, the Court discerns that they make any deal to sell the property to Elmwood Village far more contingent than it otherwise purports to be (and than any deal with petitioner would be). That is because, with the inclusion of the aforementioned terms, the Elmwood Village offer now explicitly gives Elmwood Village the right to cancel its purchase of the property if the City invokes the price-escalation clause (which concomitantly means that a good measure of the contractual protection extracted by the City is in fact no protection at all). In contrast, the outstanding offer by petitioner to purchase the property for at least \$800,000 is firm and unconditional.

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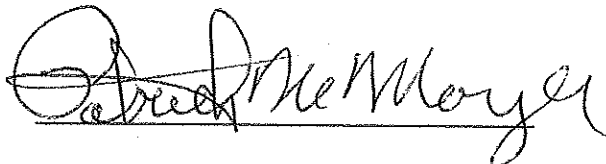
officials to get the best price for the abandoned property, thereby protecting the public fisc (see generally *Rose v Wilson*, 308 NY 605, 613 [1955]; *Merritt Meridian Const. Corp. v Gallagher*, 96 AD2d 933, 934-935 [2d Dept 1983]; cf. *Yeshiva of Spring Valley, Inc. v Board of Educ. of East Ramapo Cent. School Dist.*, 132 AD2d 27, 30-31 [2d Dept 1987], appeal dismissed 71 NY2d 965 [1988]). The Court concludes that, under the circumstances, there was a failure on the part of City officials to substantially comply with applicable procedures. The Court further concludes that it was arbitrary and unlawful for respondents to ignore the repeated non-contingent offers of petitioner to purchase the property for at least its \$725,000 initially appraised value (and now for at least \$800,000) while approving the ARB's finding of a \$540,000 value and accepting the now conditional offer of Elmwood Village to purchase the property for that much lower price.⁵

Accordingly, the petition is GRANTED, and both the March 16, 2010 resolution of respondent City of Buffalo Common Council and the March 9, 2009 purported report of respondent City of Buffalo Appraisal Review Board are ANNULLED.

GRANTED
SO ORDERED

JUL 07 2010

BY 
KEVIN J. O'CONNOR
COURT CLERK



HON. PATRICK H. NeMOYER, J.S.C.

⁵In this regard, the case cited by respondents (*Scott v City of Buffalo*, 16 Misc 3d 259 [Sup Ct Erie Co 2006], *affd for reasons stated* 38 AD3d 1287 [4th Dept 2007]) is clearly distinguishable. In *Scott*, a prospective purchaser obtained an appraisal of a certain municipal right-of-way at \$631,600, which the purchaser was willing to pay to the City, over and above the purchaser's commitment to spend \$5 million to \$7 million for infrastructure improvements to City-owned lands surrounding the purchaser's development, if the City would abandon and sell the right-of-way. Opponents of the sale (neighbors – not competing would-be purchasers) then commissioned their own appraisal which, in manner identified by the reviewing court as patently suspect, valued the right-of-way at \$1.775 million, an amount that no entity had proposed or offered to pay. In subsequent litigation brought by the neighbors, the court of course concluded that it was not arbitrary or unlawful – let alone fraudulent or corrupt – for the Common Council to approve the ARB's report fixing the value of the right-of-way in accordance with the \$631,600 appraisal submitted by the prospective purchaser and to sell the land to that purchaser for that price.

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At a Special Term of the Supreme Court, State of New York, at the courthouse in Buffalo, New York on the 31st day of AUGUST, 2010

STATE OF NEW YORK :
SUPREME COURT : COUNTY OF ERIE

SAMUEL J. SAVARINO,
Petitioner,
For a Judgment Under Article 78 of the
Civil Practice law and Rules,

v.

THE CITY OF BUFFALO,
CITY OF BUFFALO COMMON COUNCIL,
and CITY OF BUFFALO APPRAISAL
REVIEW BOARD

Respondents.

ELMWOOD VILLAGE CHARTER SCHOOL, Proposed Intervenor.

DECISION and ORDER

INDEX NO. 2010/3489

APPEARANCES:

RALPH C. LORIGO, ESQ., and TIMOTHY G.
GREENAN, ESQ. for Petitioner
TIMOTHY A. BALL, ESQ., for Respondents
MICHAEL E. FERDMAN, ESQ., and JESSICA M.
BAKER, ESQ., for Proposed Intervenor

PAPERS CONSIDERED:

The ORDER TO SHOW CAUSE of the Proposed Intervenor and the ATTORNEY AFFIRMATION of Micheal E. Ferdman, Esq., with annexed exhibits:

the AFFIDAVIT IN OPPOSITION of Ralph C. Lorigo, Esq., with annexed exhibits;

the REPLY AFFIRMATION of Micheal E. Ferdman, Esq.; and

the August 3, 2010 letter of Timothy G. Greenan, Esq.

This CPLR article 78 proceeding was commenced by petitioner in April 2010 for the purpose of challenging, as arbitrary and capricious and violative of certain procedures prescribed by the City of Buffalo Charter, both the March 9, 2010 purported report and recommendation of respondent City of Buffalo Appraisal Review Board and the March 16, 2010

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resolution of respondent City of Buffalo Common Council. That report and that resolution combined to authorize the sale of a certain municipal property (an abandoned public school) to the proposed intervenor, Elmwood Village Charter School (Elmwood Village), for the purpose of operating therein its charter school of the same name. Petitioner, another would-be purchaser, also sought to purchase the subject property for use by the nascent West Buffalo Charter School. By its Decision and Judgment (hereinafter judgment) of July 7, 2010, this Court granted the petition, thereby annulling the challenged administrative determinations.

The Court understands that a copy of the judgment with notice of entry thereon was served upon respondents (and Elmwood Village) on or about August 3, 2010, and that respondents have not yet filed a notice of appeal from that judgment. For that reason, Elmwood Village moves pursuant to CPLR 1001 (a), 1012 (a), and 7802 (d) for permission to intervene in the proceeding as a respondent, particularly for the purpose of appealing the judgment. That motion is opposed by petitioner. On the basis of the parties' submissions, this Court renders the following determinations:

This Court has previously determined that Elmwood Village is not a "necessary" or "indispensable" party to this proceeding, or at least that the proceeding need not be dismissed on that basis (see CPLR 1001, 1003, 3211 [a] [10]). The Court further feels that the strict prerequisites for intervention as of right – namely a "timely motion" by the proposed intervenor, "inadequate" representation by a primary litigant and the possibility of the proposed intervenor's being "bound" by the judgment in the res judicata sense, and/or the action's direct or immediate "involve[ment]" of the issue of the "title" of given property – are not satisfied here (see CPLR 1012 [a] [2], [3]). Nonetheless, the Court has little difficulty in concluding that Elmwood village is an "interested" party, as generally necessary in order to be permitted to intervene in a CPLR

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article 78 proceeding (see CPLR 7802 [d]; see also CPLR 1002 [b], 1013).¹ It is further clear that "[p]ermission to intervene in an article 78 proceeding may be granted at any point of the proceeding, including after judgment for the purposes of taking an appeal" (*Greater New York Health Care Facilities Assn*, 91 NY2d at 720, quoting Alexander, Practice Commentaries, McKinney's Cons Laws of NY, Book 7B, CPLR C7802:4, at 295 [internal quote marks omitted]). Nevertheless, CPLR 1013 and 7802 (d) (not to mention CPLR 401) make clear that whether to permit a party to intervene in this context "is a matter addressed to the sound discretion of the court" (*Matter of Citizens Organized to Protect the Env't. v Planning Bd. of Town of Irondequoit*, 50 AD3d 1460, 1462 [4th Dept 2008], quoting *Matter of White v Incorporated Vil. of Plandome Manor*, 190 AD2d 854, 854 [1993], *lv denied* 83 NY2d 752 [1994] [internal quotation marks omitted]). The Court exercises its discretion to withhold permission for Elmwood Village to intervene herein for several reasons:

First, Elmwood Village could have intervened, and certainly was sufficiently "interested" in the matter to be permitted to intervene, at earlier stages of this proceeding, but failed to do so, despite the fact that Elmwood Village's counsel was contemporaneously aware of the pendency of the proceeding and indeed submitted papers in opposition to the petition (see *Greater New York Health Care Facilities Assn*, 91 NY2d at 721 [inquiring into whether proposed intervenors had any "excuse" for not "taking any action to inquire into the status of the matter" and thereby "protect their own interests"]]). The Court feels that, under the circumstances, it

¹The Court well understands that CPLR 7802 (d) governs intervention in article 78 proceedings in particular, and that CPLR article 10 sets out more generally applicable guidelines concerning intervention. However, decisions holding that the whole of article 10 is inapplicable to article 78 proceedings seem ill-considered in light of the provisions of CPLR 105 (b), which specifically defines the word "action" to include a special proceeding. In any event, case law unequivocally holds CPLR 7802 (d) is "more liberal" than CPLR 1013 and that a court's discretion to allow intervention is thus "broader" in an article 78 proceeding than it is in other contexts (see *Matter of Greater New York Health Care Facilities Assn. v DeBuono*, 91 NY2d 716, 720 [1998]).

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would be unfair and prejudicial to the primary litigants to permit Elmwood Village to intervene at this late stage of the proceeding, following the entry of a final judgment granting the petition (see CPLR 1013 [stating that the court shall consider whether the intervention would prejudice the substantial rights of any party]) .

Second, Elmwood Village's purported need to intervene in the proceeding is, even at this stage, less than clear to this Court. At earlier stages, Elmwood Village evidently felt that the respondents' stated opposition to the petition was adequate to protect the interests of Elmwood Village. Elmwood Village apparently feels differently now, based upon its notion that respondents might not appeal the judgment. However, at oral argument of this motion, and in response to pointed inquiry by the Court, counsel for respondents expressed that no final decision had been made with respect to the taking of an appeal by the municipality.

Third, Elmwood Village has failed to articulate any plausible legal challenges to the correctness of this Court's judgment. Certainly, it has outlined no contentions that foreshadow any likelihood of success on the merits of its proposed appeal. In support of the motion to intervene, Elmwood Village has clearly shown only that its interests as proposed vendee of the subject property have been substantially and adversely affected by the judgment, thus demonstrating that it has (or would have had) standing to intervene. Nonetheless, as touching the merits of the proceeding, Elmwood Village has merely submitted a proposed answer to the petition (as generally required of proposed intervenors [see CPLR 1014]). However, the Court considers the contents of that proposed answer to be rather anomalous in the context of this case, inasmuch as the thrust of the proposed answer is to deny the legitimacy – or to seek to short-circuit the adjudication – of claims that the Court has already favorably ruled on.

Fourth, the particular adverse effects of the judgment cited by Elmwood Village in support of its motion to intervene are not circumstances that would be rectified by granting Elmwood Village leave to intervene as an appellant. For example, even an appellate decision in favor of

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Elmwood Village would not restore the now-forfeited grant of \$88,000 to Elmwood Village by the State Education Department, given that the money was forfeited as a result of having been unspent by June 2010. Nor would a favorable decision on appeal restore to Elmwood Village the \$60,000 that it has expended in seeking to purchase the subject property, nor the 1½ years of effort undertaken by its officials in seeking to buy it. Moreover, even a favorable appellate decision would certainly come too late to enable Elmwood Village to go into possession of the subject property by the imminent start of the upcoming academic year, as assertedly required in order for Elmwood Village to remain viable as an institution and not lose its recently amended and/or soon-to-be-renewed educational charter.

Fifth, the Court feels that it would best serve the interests of Elmwood Village as well as the primary litigants herein, particularly the body politic of the City of Buffalo, the real party-in-interest on the respondents' side of the caption, for this matter to revert immediately to the political decision-makers, namely, the City of Buffalo Appraisal Review Board and Common Council, for the exercise of those bodies' lawful judgment concerning whether to sell the subject property and, if so, to whom and on what terms. By the effect of this Court's judgment, the contestants for the right to purchase the subject property have been restored to the status quo as it existed in early 2009, when the City School District announced its abandonment of the school building. The rival charter schools thus now can bid against one another for the privilege of purchasing the property and otherwise make their respective cases to the political decision-makers, as contemplated by the City Charter and as warranted by any reasonable conception of the public good. It thus remains for Elmwood Village, even without intervention and appeal, to seek to convince the political decision-makers that (as argued before this Court) the acceptance of Elmwood Village's proposal to purchase and occupy the subject property represents the "best choice" for the City and the most advantageous outcome for the community.

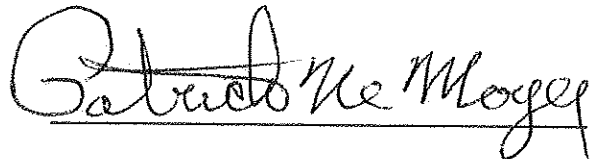
This Court cannot conclude its analysis of this matter without addressing one further topic:

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as indicated, the Court does not know whether respondents will file a notice of appeal from the judgment. However, the Court makes clear that, in the event that respondents do take an appeal, the Court will consider petitioner to have been released from his unconditional pledge, made repeatedly before this Court, to purchase the subject property for at least \$800,000. The Court feels that it would be unjust to hold petitioner to that pledge if respondents were to continue litigating their alleged compliance with the City Charter and their consequent alleged justification in accepting Elmwood Village's more conditional offer to purchase the subject property for \$540,000.

Accordingly, the motion of Elmwood Village Charter School for leave to intervene in this CPLR article 78 proceeding for the purpose of taking an appeal is DENIED.

SO ORDERED:




HON. PATRICK H. NeMOYER, J.S.C.

GRANTED

AUG 31 2010

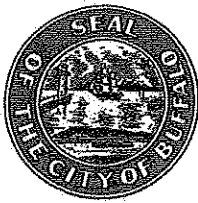
BY


KEVIN J. O'CONNOR
COURT CLERK

86

FROM THE COMMISSIONER OF ECONOMIC DEVELOPMENT AND PERMIT &
INSPECTION SERVICES

October 19, 2010



00028

CITY OF BUFFALO
DEPARTMENT OF
PERMIT & INSPECTION SERVICES

DIRECTOR'S OFFICE



BYRON W. BROWN
Mayor

JAMES COMERFORD, Jr.
Commissioner

PATRICK SOLE, Jr.
Director

CERTIFIED MAIL

September 24, 2010

Jeremy Dunn
Buffalo salvage Recycling Center, LLC.
537 East Delavan Avenue
Buffalo, New York 14211

RE: CEASE AND DESIST OPERATIONS @ 537 EAST DELAVAN

Dear Mr. Dunn:

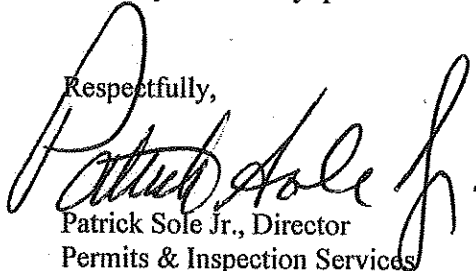
A review of the records and files of the City of Buffalo's Department Permit & Inspection Services reveals that the property you operate at 537 East Delavan in the City of Buffalo is operating without the required City of Buffalo licenses. Further, said records reveal that "legal" use for your operations has not been established.

Please be advised that in order to continue operations at 537 East Delavan you are required to obtain a valid "Bulk Wholesale Junk" and "Scrap Processor" licenses per Chapter 254 of the ordinances of the City of Buffalo. Additionally, you must obtain "legal" use for Bulk Wholesale Junk and Scrap Processing operations.

Finally, based on the aforementioned requirements, you are hereby ordered to immediately cease and desist all operations at 537 East Delavan until said time that all required licenses are obtained and "legal" use is established. Failure to abide by this notice will result in fines being issued and legal action being taken.

Should you have any questions concerning this matter, please contact this office at 851-6596.

Respectfully,


Patrick Sole Jr., Director
Permits & Inspection Services

cc: Buffalo Police

RECEIVED AND FILED

29

88

To: The Common Council:

Date: October 13, 2010

From: Department Permit & Inspection ServicesDivision: Office of LicensesSubject: [: Food Store (New)
[: 212 FOREST AVE.(Niagara)
[:
[:Type in Upper and
Lower Case Only

Prior Council Reference: (If Any) [:

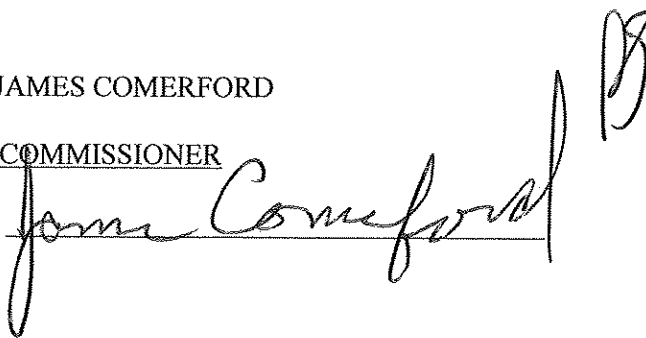
Ext. (Item No. xxx, C.C.P. xx/xx/xx):

Text (Type Single Space Below):

Pursuant to Chapter 194 of the City of Buffalo Ordinances, please be advised that I have examined the attached application for a Food Store License located at 212 FOREST AVE. (PUERTO RICO BAKERY & GROCERY/EDGARDO GONZALEZ) and find that as to form is correct. I have caused an investigation into the premises for which said application for a food store license is being sought and according to the attached reports from the Zoning Office, Fire Department, Building Inspections, Police Department and Collection Office I find it complies with all regulations and other applicable laws. This request is submitted for your approval or whatever action you deem appropriate.

Type Department Head Name: JAMES COMERFORDType Title: COMMISSIONERSignature of Department Head:

JC:PS:rf



27A

rf



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: OFF. OF ZONING & USE

REFERRED TO: KEVIN FITZGERALD

APPLICATION FOR: PETERS FOOD MART II

LICENSE TYPE: FOOD STORE

NEW LICENSE 2011

BUSINESS ADDRESS: 684 LA SALLE
BUSINESS PHONE: 834-3608
COUNCIL DISTRICT: UN
POLICE DISTRICT: 16
APPLICANT NAME: ALI BAAGRI
APPL. PHONE: 716-8189
APPLICATION NUMBER: 559107
REFERRAL DATE: 07/21/2010

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED

DATE: 9-17-10

DISAPPROVED

DATE:

DISAPPROVAL
CALL BACK

DATE:

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS:

INSPECTOR

RM#

EXT

16
304
5407

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: FIRE PREVENTION

REFERRED TO: LT. POCZKALSKI

APPLICATION FOR: PETERS FOOD MART II

LICENSE TYPE: FOOD STORE

NEW LICENSE 2011

BUSINESS ADDRESS: 684 LA SALLE
BUSINESS PHONE: 834-3608
COUNCIL DISTRICT: UN
POLICE DISTRICT: 16
APPLICANT NAME: ALI BAAGRI
APPL. PHONE: 716-8189
APPLICATION NUMBER: 559107
REFERRAL DATE: 07/21/2010

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

☒ APPROVED

DATE: 8-12-10

☐ DISAPPROVED

DATE: _____

☐ DISAPPROVAL
CALL BACK

DATE: _____

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS: _____

INSPECTOR

[Signature]

RM#

EXT

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: HOUSING PROPERTY INS

REFERRED TO: ~~KEVIN FITZGERALD~~ *FERRAROTTO*

APPLICATION FOR: PETERS FOOD MART II

LICENSE TYPE: FOOD STORE

NEW LICENSE 2011

BUSINESS ADDRESS: 684 LA SALLE
BUSINESS PHONE: 834-3608
COUNCIL DISTRICT: UN
POLICE DISTRICT: 16
APPLICANT NAME: ALI BAAGRI
APPL. PHONE: 716-8189
APPLICATION NUMBER: 559107
REFERRAL DATE: 07/21/2010

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED

DATE: 9-17-10

DISAPPROVED

DATE: _____

DISAPPROVAL
CALL BACK

DATE: _____

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS:

INSPECTOR

[Signature]

RM#

304

EXT

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AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: POLICE

REFERRED TO: COMMISSIONER OF POLICE

APPLICATION FOR: PETERS FOOD MART II

LICENSE TYPE: FOOD STORE 030

NEW LICENSE 2011

BUSINESS ADDRESS: 684 LA SALLE
BUSINESS PHONE: 834-3608
COUNCIL DISTRICT: UN
POLICE DISTRICT: 16
APPLICANT NAME: ALI BAAGRI
APPL. PHONE: 716-8189
APPLICATION NUMBER: 559107
REFERRAL DATE: 07/21/2010

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED DATE: _____

DISAPPROVED DATE: _____

REMARKS: _____

DISTRICT CAPTAIN: David S. Stahl

APPROVED DATE: 7/29/10

DISAPPROVED DATE: _____

***REASON FOR DISAPPROVAL MUST BE STATED BELOW ***

REMARKS: _____

COMM. OF POLICE: Daniel J. [Signature]
Commissioner of Police

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL TO THE OFFICE OF LICENSES. THANK YOU.



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

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INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: COLLECTIONS OFFICE

REFERRED TO: COLLECTIONS OFFICE

APPLICATION FOR: PETERS FOOD MART II

LICENSE TYPE: FOOD STORE

NEW LICENSE 2011

BUSINESS ADDRESS: 684 LA SALLE
BUSINESS PHONE: 834-3608
COUNCIL DISTRICT: UN
POLICE DISTRICT: 16
APPLICANT NAME: ALI BAAGRI
APPL. PHONE: 716-8189
APPLICATION NUMBER: 559107
REFERRAL DATE: 07/21/2010

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED

DATE: 8/6/10

DISAPPROVED

DATE:

DISAPPROVAL
CALL BACK

DATE:

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS:

NO DEBT

INSPECTOR

PATRICK IRWIN

RM#

113

EXT

857-4395

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.



CITY OF BUFFALO - LICENSE APPLICATION

65 Niagara Sq. City Hall Room 301 Buffalo, NY 14202

Phone (715) 851-4078 Fax (716) 851-4952

All information on this form is public record. ☐ Mail ☐ Walk-in

Type of Entity: ☐ Sole Proprietor ☐ Corporation ☐ Partnership ☐ Limited Liability Company

- | | | |
|--|--|---|
| <input type="checkbox"/> Restaurant 1-200 seats fee \$174.00 | <input type="checkbox"/> Restaurant Dance fee | <input checked="" type="checkbox"/> Restaurant Take Out fee \$88.00 |
| <input type="checkbox"/> 201-400 seats \$250.00 | <input type="checkbox"/> Floor Show \$367.50 | <input checked="" type="checkbox"/> Food Store \$115.00 |
| <input type="checkbox"/> 400+ seats \$350.00 | <input type="checkbox"/> Live Music \$210.00 | See additional questions |
| (on premise consumption of food and/or beverage) | <input type="checkbox"/> Mechanical \$131.25 | |
| <input type="checkbox"/> Certificate of Inspection \$56.00 | | <input type="checkbox"/> Meat Fish Poultry \$150.00 |
| (Public Assembly) Restaurant 50+ seats | <input type="checkbox"/> Public Dance (based on sq ft) | <input type="checkbox"/> Caterer \$88.00 |
| <input type="checkbox"/> Coin Control Amusement | <input type="checkbox"/> GoGo Dancing \$131.25 | <input checked="" type="checkbox"/> Bakery |
| # games ___ per game \$47.25 | <input type="checkbox"/> Skating Rink \$210.00 | <input checked="" type="checkbox"/> 0-2 employees \$63.00 |
| <input type="checkbox"/> Arcade # games ___ per game \$47.25 | <input type="checkbox"/> Bowling Alley per lane \$31.50 | <input type="checkbox"/> 3-10 employees \$105.00 |
| <input type="checkbox"/> Music mechanical \$52.50 | # lanes ___ | <input type="checkbox"/> 11-15 employees \$157.00 |
| <input type="checkbox"/> Music live, no dancing \$52.50 | <input type="checkbox"/> Billiard Parlor per table \$31.50 | <input type="checkbox"/> 26-50 employees \$315.00 |
| <input type="checkbox"/> News Stand \$63.00 | # tables ___ | <input type="checkbox"/> 51-200 employees \$525.00 |

Corporation Name _____ Business Phone () _____

Business Name (dba) Puerto Rico Bakery and Grocery Business Fax () _____

Business Address (no PO Box) 212 Forest Ave Buffalo, N.Y. 14213

Mailing Address (if different) 16 Tona Wanda St. Buffalo, N.Y. 14207

NYS Tax ID # _____ Business Website _____ E-Mail _____

Owner(s)/ Principal Partners

Applicant (last, first) Gonzalez Edgardo Home Phone (716) 605-7330

Home Address: (PO Box not acceptable) 16 Tona Wanda St. Buffalo, N.Y. 14207

Date of birth [redacted] Place of Birth aguadilla, P.R.

Co-Applicant (last, first) _____ Home Phone _____

Home Address: (PO Box not acceptable) Care 861-

Date of birth _____ Place of Birth _____

Describe your specific business activity in detail. Bakery and Grocery 9967

Subscribed and sworn to before me
this 16 day of Sept 20 10

[Signature]
Commissioner of Deeds in and for the
City of Buffalo, New York

I am aware of the obligation to provide timely notice of any change in required information, and I have informed all owners, managers, or other principals of their criminal and/or civic responsibility for the timely fulfillment of restrictions and conditions to the license or timely abatement of any nuisance activity at or associated with the business. Initial _____

As an authorized agent of the entity identified above, I certify the information on this form is true, correct, complete and current to the best of my knowledge and belief.

For office use only
T&A _____
Application No _____
Date issued: _____

Print Name Edgardo Gonzalez

Signature Edgardo Gonzalez

Date 9/14/10

90E

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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Maj - 5

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That the Commission of Permits and Inspection Services is authorized to issue a Food Store license to Edgardo Gonzalez (Puerto Rico Bakery and Grocery) located at 212 Forest Avenue.

Passed.

To: The Common Council:

Date: October 13, 2010

91

From: Department Permit & Inspection ServicesDivision: Office of LicensesSubject: [: Food Store (New)
[: 684 LaSalle(University)| Type in Upper and |
| Lower Case Only |[:
[:

Prior Council Reference: (If Any) [:

Ext. (Item No. xxx, C.C.P. xx/xx/xx):

Text (Type Single Space Below):

Pursuant to Chapter 194 of the City of Buffalo Ordinances, please be advised that I have examined the attached application for a Food Store License located at **684 LASALLE (PETERS FOOD MART II/ALI M. AL BAAGRI)** and find that as to form is correct. I have caused an investigation into the premises for which said application for a food store license is being sought and according to the attached reports from the Zoning Office, Fire Department, Building Inspections, Police Department and Collection Office I find it complies with all regulations and other applicable laws. This request is submitted for your approval or whatever action you deem appropriate.

Type Department Head Name: JAMES COMERFORD

Type Title: COMMISSIONER

Signature of Department Head:

JC:PS:rf

LE 6
REFERRED TO THE COMMITTEE
ON LEGISLATION.27B
RF



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: OFF. OF ZONING & USE

REFERRED TO: KEVIN FITZGERALD

APPLICATION FOR: PUERTO RICO BAKERY & GROCERY

LICENSE TYPE: FOOD STORE

NEW LICENSE 2011

BUSINESS ADDRESS: 212 FOREST
BUSINESS PHONE: 605-7330
COUNCIL DISTRICT: NO
POLICE DISTRICT: 05
APPLICANT NAME: EDGARDO GONZALEZ
APPL. PHONE: 716-8619
APPLICATION NUMBER: 559848
REFERRAL DATE: 09/15/2010

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED

DATE: 10 - 13 - 10

DISAPPROVED

DATE:

DISAPPROVAL
CALL BACK

DATE:

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS: See Attached

INSPECTOR

RM#

304

EXT

5207

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: FIRE PREVENTION

REFERRED TO: LT. POCZKALSKI

APPLICATION FOR: PUERTO RICO BAKERY & GROCERY

LICENSE TYPE: FOOD STORE

NEW LICENSE 2011

BUSINESS ADDRESS: 212 FOREST
BUSINESS PHONE: 605-7330
COUNCIL DISTRICT: NO
POLICE DISTRICT: 05
APPLICANT NAME: EDGARDO GONZALEZ
APPL. PHONE: -
APPLICATION NUMBER: 559848
REFERRAL DATE: 09/15/2010

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED

DATE:

9-23-10

DISAPPROVED

DATE:

DISAPPROVAL
CALL BACK

DATE:

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS:

INSPECTOR

At Ken Poczalski

RM#

EXT

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: HOUSING PROPERTY INS

REFERRED TO: KEVIN FITZGERALD

APPLICATION FOR: PUERTO RICO BAKERY & GROCERY

LICENSE TYPE: FOOD STORE

NEW LICENSE 2011

BUSINESS ADDRESS: 212 FOREST
BUSINESS PHONE: 605-7330
COUNCIL DISTRICT: NO
POLICE DISTRICT: 05
APPLICANT NAME: EDGARDO GONZALEZ
APPL. PHONE: 716-8619
APPLICATION NUMBER: 559848
REFERRAL DATE: 09/15/2010

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED

DATE: 10-12-10

DISAPPROVED

DATE:

DISAPPROVAL
CALL BACK

DATE:

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS:

Rest Area, weeds, permit, final walk thru, LOI

INSPECTOR

RM#

304

EXT

5709

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: POLICE

REFERRED TO: COMMISSIONER OF POLICE

APPLICATION FOR: PUERTO RICO BAKERY & GROCERY

LICENSE TYPE: FOOD STORE 030 NEW LICENSE 2011
BUSINESS ADDRESS: 212 FOREST
BUSINESS PHONE: 605-7330
COUNCIL DISTRICT: NO
POLICE DISTRICT: 05
APPLICANT NAME: EDGARDO GONZALEZ
APPL. PHONE: -
APPLICATION NUMBER: 559848
REFERRAL DATE: 09/15/2010

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED DATE: 10/5/10

DISAPPROVED DATE:

REMARKS: No safety concerns P.O. O. Casillas 102780525 1630 HRS

DISTRICT CAPTAIN:

APPROVED

DATE: 10/5/10

DISAPPROVED

DATE:

***REASON FOR DISAPPROVAL MUST BE STATED BELOW ***

REMARKS:

COMM. OF POLICE:

Charles Tomaszewski

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL TO THE OFFICE OF LICENSES. THANK YOU.



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: COLLECTIONS OFFICE

REFERRED TO: COLLECTIONS OFFICE

APPLICATION FOR: PUERTO RICO BAKERY & GROCERY

LICENSE TYPE: FOOD STORE

NEW LICENSE 2011

BUSINESS ADDRESS: 212 FOREST
BUSINESS PHONE: 605-7330
COUNCIL DISTRICT: NO
POLICE DISTRICT: 05
APPLICANT NAME: EDGARDO GONZALEZ
APPL. PHONE: -
APPLICATION NUMBER: 559848
REFERRAL DATE: 09/15/2010

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED

DATE: 10/4/10

DISAPPROVED

DATE:

DISAPPROVAL
CALL BACK

DATE:

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS: NO DEBT

INSPECTOR PATRICK IRWIN RM# 117 EXT 851-4395

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.

DEPARTMENT OF ECONOMIC DEVELOPMENT, PERMIT & INSPECTION SERVICES
OFFICE OF LICENSES
313 CITY HALL
BUFFALO NY 14202 851-4078

LICENSE APPLICATION

PLEASE CHECK LICENSE CATEGORY APPLYING FOR

☐ RESTAURANT ☐ BAKERY ☐ CONFECTIONER
☐ RESTAURANT TAKEOUT ☐ CATERER ☒ FOOD STORE
☐ MEAT, FISH & POULTRY

Date JULY 12 20 10

Applicant Name ALI M AL BAAGARI Applicant Home Phone # _____

Applicant Address 313 WESTIN AVE BUFFALO NY 14215
(No., Street) (City, Town or Village) (State) (Zip)

Co-Applicant Name _____

Co-Applicant Address _____
(No., Street) (City, Town or Village) (State) (Zip)

Corporation Name _____ Date Incorporated _____

Business Name PETER'S FOOD MARKET II Date of Business Certificate 7/7/2010

Business Address 684 LASALLE AVE BUFFALO NY 14213
(No., Street) (City, Town or Village) (State) (Zip)

Mailing Address (if different than business address) _____
(No., Street) (City, Town or Village) (State) (Zip)

Business Phone # _____ Fax # _____

State Tax ID Number APPLIED Social Security # [REDACTED]

No. of Employees _____ (Baker & Confectioner only)

Subscribed and sworn to before me this 13
Day of July 20 10
[Signature]
Commissioner of Deeds in and for the
City of Buffalo, New York

LUZ N. GARCIA
No. 01GA6113962
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Aug. 08, 20 12

RST appl

[Signature]
Applicant Signature

FEE: RESTAURANT 0-200 SEATS	\$174.00
201-400 SEATS	\$250.00
401 +	\$325.00
RESTAURANT TAKEOUT/CATERING	\$ 88.00
MEAT, FISH & POULTRY (2 YRS.)	\$150.00
FOOD STORE	\$115.00
BAKER/CONFECTIONER 0-2 EMPLOYEES	\$63.00
3-10	\$105.00
11-25	\$157.00
26-50	\$315.00
51-200	\$525.00

Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective: **September 30, 2010**
 in the Department of **Permit and Inspection Services**
 Division of **District Inspections**
 to the Position of **Building Inspector**
 Permanent, Provisional, Temporary, Seasonal (Insert one) **TEMPORARY**
 Appointment, Promotion, Non-Competitive (Insert one) **APPOINTMENT**
 Minimum, Intermediate, Maximum, Flat (Insert one) **MAXIMUM**

(Enter Starting Salary) : Starting Salary of: **\$53,891.**

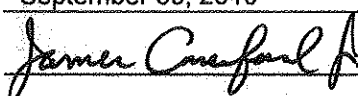
LAST JOB TITLE	Spv of Bldg Construction	NAME	John T. Sexton
LAST DEPARTMENT	Strat Planning	ADDRESS	147 Fordham Dr
LAST SALARY	\$56,725	CITY & ZIP	Buffalo, NY 14216
LAST 4 DIGITS OF SSN. XXX-XX-1581			

LAST JOB TITLE	NAME
LAST DEPARTMENT	ADDRESS
LAST SALARY	CITY & ZIP
LAST 4 DIGITS OF SSN. XXX-XX-	

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

BUDGET ORG. CODE	16550001	TITLE CODE NO	3140
BUDGET ACCT. OBJ.	411001	PERSONNEL REQ. NO	2010-51
SALARY RANGE OF POSITION	\$32,335 - \$53,891	PER YEAR DAY HOUR	YEAR

REASON FOR APPT. ABOVE THE MINIMUM: employee is on a preferred list and must be paid at the salary step closest to what he made at the time of lay-off.

NAME OF APPOINTING AUTHORITY: **James Comerford, Jr.**
 TITLE OF APPOINTING. AUTHORITY: **Commissioner**
 DATE: **September 30, 2010**
 SIGNATURE OF APPOINTING AUTHORITY: 

ORIGINAL + 3 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)
 OTHER COPIES TO: #5- COMPTROLLER #6- HUMAN SERVICES/CIVIL SERVICE #7- BUDGET
 #8- DEPARTMENT #9- DIVISION #10- EMPLOYEE(S)

FROM THE COMMISSIONER OF COMMUNITY SERVICES & RECREATIONAL
PROGRAMMING

October 19, 2010

00032

100

SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL:
DATE: 9/17/2010
FROM: DEPARTMENT: Division for Youth

SUBJECT: [City of Buffalo Girls Circle Program-Grant
[Acceptance of grant and interfund cash loan
[
[

PRIOR COUNCIL REFERENCE: (IF ANY)
Ex. (Item No. xxx, C.C.P. xx/xx/xx)

The Department of Community Services , Division for Youth has been awarded a grant from the New York State Department of Criminal Justices Services to fund the City of Buffalo Girls Circle Program, totaling \$21, 461.00. An interfund cash loan is to be made in the maximum amount of \$21,461.00 as needed subject to your approval and receipt of signed grant document. Loan is payable at date of reimbursement..

SIGNATURE



DEPARTMENT HEAD TITLE :

Commissioner of Community Services

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CITY OF BUFFALO

INTERDEPARTMENTAL CORRESPONDENCE

TO: Jeni Wozniak, Grant Audit Supervisor

DATE: 9/17/10

FROM: Kathy Isch

SUBJECT: New Grant Fund Account Code

Please create a new fund/account for:

Title of Grant: City of Buffalo Girls Circle Program

Grant ID: T612071 DCJS JBA9612071

Agency Providing Grant: Division of Criminal Justice Services

Are these federal funds or federal passed through funds? ☒ yes ☐ no

If yes, Federal Agency: Division of Criminal Justice Services

CFDA Number:

Grantor Contact Information: Name: City of Buffalo Division for Youth

Phone: 761 851 - 5177

Amount: Grant \$21,461.00 Match \$2,385.00

Will you need an interfund cash loan? ☒ yes ☐ no

If yes, amount requested: \$ 21,461.00 Please include cash flow.

Effective Date: 10/1/2010 through 09/30/2011

Approved: **CCP Date:** - - **Item #** -

BFSA Date: - - (If over \$50,000.00)

Administering City Department: Division for Youth

City Program Manager Responsible for Grant:

Name: Kathy Isch

Phone number: 716 851 - 5177

Please check off the list below to ensure proper documents are submitted for creation of a grant account:

- ☐ Letter from department head requesting grant be set up
- ☐ Award Letter
- ☐ Signed Grant Agreement
- ☐ Budget

To be filled out by Department of Audit & Control:

Grant Fund: _____ Project ID: _____ MUNIS Routing Dept: _____ G

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Isch,Kathy

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From: dcjs.sm.bjf.jjunit [dcjsbjfjjunit@dcjs.state.ny.us]
Sent: Thursday, September 02, 2010 12:03 PM
To: Isch,Kathy
Cc: Brown,Byron; Lostritto, Joe (DCJS)
Subject: Executed Contra



STATE OF NEW YORK
DIVISION OF CRIMINAL JUSTICE SERVICES
FOUR TOWER PLACE
ALBANY, NEW YORK 12203-3764
<http://criminaljustice.state.ny.us>

September 2, 2010

Dear Ms. Isch:

**RE: Buffalo, City of
City of Buffalo Girls Circle
C612071**

The above mentioned grant contract is fully executed between the Division of Criminal Justice Services (DCJS) and your organization. The terms and conditions of the agreement should be carefully reviewed online in the GMS system. *(If you would like to view and print the entire contract, click on the "Acceptance tab", then continue to the bottom of this page until you see "Click here to view Award Contract pdf.)*

As outlined in the contract, you are required to submit vouchers and fiscal cost reports for each month of the contract period or quarterly as described in Appendix C of your contract. All vouchers and fiscal cost reports must be submitted in triplicate to the **DCJS Finance Office** at the address on form. Payment vouchers and Fiscal Cost Reports (FCRs) are available for download at <http://criminaljustice.state.ny.us/ofpa/forms.htm>. In addition, please note that a separate fiscal ledger which accurately details the disbursement and expenditure of these grant funds must be maintained by you for audit purposes.

The contract also requires the submission of progress reports (as outlined in the Appendix A1 of your contract) which describe and document the operation of this project. The progress report format has been designed to collect information that is essential in properly evaluating the progress of your program in relation to the goals, objectives, tasks, and performance measures specified in your contract. Progress reports must be completed online via the **GMS System**; you are not required to mail these reports. **Additionally, you should note that if your contract has a retroactive start date, you may have reports that are currently overdue. These reports must be submitted within 15 days of receipt of this letter or a stop payment will be placed on your contract.**

If you have an equipment line in your contract, please update all inventory received to the Property Module of the **GMS** system. You may, if you wish, print a hard copy version of your grant equipment inventory for your files. Additionally, if a Budget Amendment/Contract Extension is needed, contact your Program Representative for instructions at the number below.

Failure to comply with the provisions of this contract or to submit the required progress reports will result in the rejection of vouchers submitted by your agency.

If you have any questions concerning the contract or should you require technical assistance concerning the operation of your project, please call at (518) 457-3670.

Sincerely,

Ronda N. Ross
Juvenile Justice Specialist

Cc: Hon. B. Brown

An Equal Opportunity/Affirmative Action Agency

This e-mail, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee. If you received this e-mail in error or from someone who was not authorized to send it to you, do not disseminate, copy or otherwise use this e-mail or its attachments. Please notify the sender immediately by reply e-mail and delete the e-mail from your system.

STATE AGENCY Division of Criminal Justice Services 4 Tower Place Albany, NY 12203	NYS COMPTROLLER'S NUMBER: T612071 (Contract Number) ORIGINATING AGENCY CODE: 01490 - Division of Criminal Justice Services
GRANTEE/CONTRACTOR: (Name & Address) Buffalo, City of 65 Niagara Square Room 201 Buffalo NY 14202	TYPE OF PROGRAMS: Juvenile Accountability Block Grant DCJS NUMBERS: JBA9612071
FEDERAL TAX IDENTIFICATION NO: 16-6002533 MUNICIPALITY NO: (if applicable) 140207000 000	INITIAL CONTRACT PERIOD: FROM 10/01/2010 TO 09/30/2011 FUNDING AMOUNT FROM INITIAL PERIOD: \$21,461.00
STATUS: Contractor is not a sectarian entry. Contractor is not a not-for-profit organization.	MULTI-YEAR TERM: (if applicable): 0 1-year renewal options.
CHARITIES REGISTRATION NUMBER: <div style="border: 1px solid black; height: 20px; width: 100%;"></div> (Enter number or Exempt) If Exempt is entered above, reason for exemption. N/A <div style="border: 1px solid black; padding: 2px;"> Contractor has _____ has not _____ timely filed with the Attorney General's Charities Bureau all required periodic or annual written reports. </div>	APPENDIX ATTACHED AND PART OF THIS AGREEMENT <input checked="" type="checkbox"/> APPENDIX A Standard Clauses required by the Attorney General for all State contacts <input checked="" type="checkbox"/> APPENDIX A1 APPENDIX A1 Agency-specific Clauses <input checked="" type="checkbox"/> APPENDIX B Budget <input checked="" type="checkbox"/> APPENDIX C Payment and Reporting Schedule <input checked="" type="checkbox"/> APPENDIX D Program Workplan <input type="checkbox"/> APPENDIX F Guidelines for the Control and Use of Confidential Funds <input type="checkbox"/> APPENDIX G Procedural Guidelines for the Control of Surveillance Equipment <input type="checkbox"/> APPENDIX Other (Identify)
IN WITNESS THEREOF, the parties hereto have electronically executed or approved this AGREEMENT on the dates of their signatures.	
NYS Division of Criminal Justice Services BY: _____, Date: _____ Office of Program Development and Funding: State Agency Certification: In addition to the acceptance of this contract, I also certify that original copies of this signature page will be attached to all other exact copies of this contract. GRANTEE: BY: Hon. Byron W Brown Mayor Date: 08/25/2010	
ATTORNEY GENERAL'S SIGNATURE _____ Title: _____ Date: _____	APPROVED, Thomas P. DiNapoli, State Comptroller _____ Title: _____ Date: _____

Award Contract

Juvenile Accountability Block Grant

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Project No. Grantee Name
JB09-1058-E00 Buffalo, City of

08/30/2010

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AGREEMENT

STATE OF NEW YORK

AGREEMENT

This AGREEMENT is hereby made by and between the State of New York agency (STATE) and the public or private agency (CONTRACTOR) identified on the face page hereof.

WITNESSETH:

WHEREAS, the STATE has the authority to regulate and provide funding for the establishment and operation of program services and desires to contract with skilled parties possessing the necessary resources to provide such services; and

WHEREAS, the CONTRACTOR is ready, willing and able to provide such program services and possesses or can make available all necessary qualified personnel, licenses, facilities and expertise to perform or have performed the services required pursuant to the terms of this AGREEMENT;

NOW THEREFORE, in consideration of the promises, responsibilities and covenants herein, the STATE and the CONTRACTOR agree as follows:

I. Conditions of Agreement

A. This AGREEMENT may consist of successive periods (PERIOD), as specified within the AGREEMENT or within a subsequent Modification Agreement(s) (Appendix X) Amendment. Each additional or superseding PERIOD shall be on the forms specified by the particular State agency, and shall be incorporated into this AGREEMENT.

B. Funding for the first PERIOD shall not exceed the funding amount specified on the face page hereof. Funding for each subsequent PERIOD, if any, shall not exceed the amount specified in the appropriate appendix amendment for that PERIOD.

C. This AGREEMENT incorporates the face page attached as presented in the Grants Management System (GMS) AWARD online printable report, and all of the marked appendices identified on the face page hereof.

D. For each succeeding PERIOD of this AGREEMENT, the parties shall prepare new appendices, to the extent that any require modification, and a Modification Agreement (the attached Appendix X is the blank form to be used) GMS Amendment. Any terms of this AGREEMENT not modified shall remain in effect for each PERIOD of the AGREEMENT.

To modify the AGREEMENT within an existing PERIOD, the parties shall revise or complete the appropriate appendix form(s). Any change in the amount of consideration to be paid, change in scope, or change in term is subject to the approval of the Office of the State Comptroller. Any other modifications shall be processed in accordance with agency guidelines as stated in Appendix A-1.

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E. The CONTRACTOR shall perform all services to the satisfaction of the STATE. The CONTRACTOR shall provide services and meet the program objectives summarized in the Program Workplan (Appendix D) in accordance with: provisions of the AGREEMENT; relevant laws, rules and regulations, administrative and fiscal guidelines; and where applicable, operating certificates for facilities or licenses for an activity or program.

F. If the CONTRACTOR enters into subcontracts for the performance of work pursuant to this AGREEMENT, the CONTRACTOR shall take full responsibility for the acts and omissions of its subcontractors. Nothing in the subcontract shall impair the rights of the STATE under this AGREEMENT. No contractual relationship shall be deemed to exist between the subcontractor and the STATE.

G. Appendix A (Standard Clauses as required by the Attorney General for all State contracts) takes precedence over all other parts of the AGREEMENT.

II. Payment and Reporting

A. The CONTRACTOR, to be eligible for payment, shall submit to the STATE's designated payment office (identified in Appendix C) any appropriate documentation as required by the Payment and Reporting Schedule (Appendix C) and by agency fiscal guidelines, in a manner acceptable to the STATE.

B. The STATE shall make payments and any reconciliations in accordance with the Payment and Reporting Schedule (Appendix C). The STATE shall pay the CONTRACTOR, in consideration of contract services for a given PERIOD, a sum not to exceed the amount noted on the face page hereof or in the respective Appendix designating the payment amount for that given PERIOD. This sum shall not duplicate reimbursement from other sources for CONTRACTOR costs and services provided pursuant to this AGREEMENT.

C. The CONTRACTOR shall meet the audit requirements specified by the STATE.

III. Terminations

A. This AGREEMENT may be terminated at any time upon mutual written consent of the STATE and the CONTRACTOR.

B. The STATE may terminate the AGREEMENT immediately, upon written notice of termination to the CONTRACTOR, if the CONTRACTOR fails to comply with the terms and conditions of this AGREEMENT and/or with any laws, rules, regulations, policies or procedures affecting this AGREEMENT.

C. The STATE may also terminate this AGREEMENT for any reason in accordance with provisions set forth in Appendix A-1.

D. Written notice of termination, where required, shall be sent by personal messenger service or by certified mail, return receipt requested. The termination shall be effective in accordance with the terms of the notice.

E. Upon receipt of notice of termination, the CONTRACTOR agrees to cancel, prior to the effective date of any prospective termination, as many outstanding obligations as possible, and agrees not to incur any new obligations after receipt of the notice without approval by the STATE.

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F. The STATE shall be responsible for payment on claims pursuant to services provided and costs incurred pursuant to terms of the AGREEMENT. In no event shall the STATE be liable for expenses and obligations arising from the program(s) in this AGREEMENT after the termination date.

IV. Indemnification

A. The CONTRACTOR shall be solely responsible and answerable in damages for any and all accidents and/or injuries to persons (including death) or property arising out of or related to the services to be rendered by the CONTRACTOR or its subcontractors pursuant to this AGREEMENT. The CONTRACTOR shall indemnify and hold harmless the STATE and its officers and employees from claims, suits, actions, damages and costs of every nature arising out of the provision of services pursuant to this AGREEMENT.

B. The CONTRACTOR is an independent contractor and may neither hold itself out nor claim to be an officer, employee or subdivision of the STATE nor make any claim, demand or application to or for any right based upon any different status.

V. Property

Any equipment, furniture, supplies or other property purchased pursuant to this AGREEMENT is deemed to be the property of the STATE except as may otherwise be governed by Federal or State laws, rules or regulations, or as stated in Appendix A-1.

VI Safeguards for Services and Confidentiality

A. Services performed pursuant to this AGREEMENT are secular in nature and shall be performed in a manner that does not discriminate on the basis of religious belief, or promote or discourage adherence to religion in general or particular religious beliefs.

B. Funds provided pursuant to this AGREEMENT shall not be used for any partisan political activity, or for activities that may influence legislation or the election or defeat of any candidate for public office.

C. Information relating to individuals who may receive services pursuant to this AGREEMENT shall be maintained and used only for the purposes intended under the contract and in conformity with applicable provisions of the laws and regulations, or specified in Appendix A-1.

Certified by - Byron Brown on 08/25/2010

APPENDIX A

STANDARD CLAUSES FOR NYS CONTRACTS

The parties to the attached contract, license, lease, amendment or other agreement of any kind (hereinafter, 'the contract' or 'this contract') agree to be bound by the following clauses which are hereby made a part of the contract (the word 'Contractor' herein refers to any party other than the State, whether a contractor, licenser, licensee, lessor, lessee or any other party):

1. EXECUTORY CLAUSE. In accordance with Section 41 of the State Finance Law, the State shall have no liability under this contract to the Contractor or to anyone else beyond funds appropriated and available for this contract.

2. NON-ASSIGNMENT CLAUSE. In accordance with Section 138 of the State Finance Law, this contract may not be assigned by the Contractor or its right, title or interest therein assigned, transferred, conveyed, sublet or otherwise disposed of without the previous consent, in writing, of the State and any attempts to assign the contract without the State's written consent are null and void. The Contractor may, however, assign its right to receive payment without the State's prior written consent unless this contract concerns Certificates of Participation pursuant to Article 5-A of the State Finance Law.

3. COMPTROLLER'S APPROVAL. In accordance with Section 112 of the State Finance Law (or, if this contract is with the State University or City University of New York, Section 355 or Section 6218 of the Education Law), if this contract exceeds \$50,000 (or the minimum thresholds agreed to by the Office of the State Comptroller for certain S.U.N.Y. and C.U.N.Y. contracts), or if this is an amendment for any amount to a contract which, as so amended, exceeds said statutory amount, or if, by this contract, the State agrees to give something other than money when the value or reasonably estimated value of such consideration exceeds \$10,000, it shall not be valid, effective or binding upon the State until it has been approved by the State Comptroller and filed in his office. Comptroller's approval of contracts let by the Office of General Services is required when such contracts exceed \$85,000 (State Finance Law Section 163.6.a).

4. WORKERS' COMPENSATION BENEFITS. In accordance with Section 142 of the State Finance Law, this contract shall be void and of no force and effect unless the Contractor shall provide and maintain coverage during the life of this contract for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.

5. NON-DISCRIMINATION REQUIREMENTS. To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, sexual orientation, age, disability,

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genetic predisposition or carrier status, or marital status. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration or repair of any public building or public work or for the manufacture, sale or distribution of materials, equipment or supplies, and to the extent that this contract shall be performed within the State of New York, Contractor agrees that neither it nor its subcontractors shall, by reason of race, creed, color, disability, sex, or national origin: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. If this is a building service contract as defined in Section 230 of the Labor Law, then, in accordance with Section 239 thereof, Contractor agrees that neither it nor its subcontractors shall by reason of race, creed, color, national origin, age, sex or disability: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. Contractor is subject to fines of \$50.00 per person per day for any violation of Section 220-e or Section 239 as well as possible termination of this contract and forfeiture of all moneys due hereunder for a second or subsequent violation.

6. **WAGE AND HOURS PROVISIONS.** If this is a public work contract covered by Article 8 of the Labor Law or a building service contract covered by Article 9 thereof, neither Contractor's employees nor the employees of its subcontractors may be required or permitted to work more than the number of hours or days stated in said statutes, except as otherwise provided in the Labor Law and as set forth in prevailing wage and supplement schedules issued by the State Labor Department. Furthermore, Contractor and its subcontractors must pay at least the prevailing wage rate and pay or provide the prevailing supplements, including the premium rates for overtime pay, as determined by the State Labor Department in accordance with the Labor Law.

7. **NON-COLLUSIVE BIDDING CERTIFICATION.** In accordance with Section 139-d of the State Finance Law, if this contract was awarded based upon the submission of bids, Contractor affirms, under penalty of perjury, that its bid was arrived at independently and without collusion aimed at restricting competition. Contractor further affirms that, at the time Contractor submitted its bid, an authorized and responsible person executed and delivered to the State a non-collusive bidding certification on Contractor's behalf.

8. **INTERNATIONAL BOYCOTT PROHIBITION.** In accordance with Section 220-f of the Labor Law and Section 139-h of the State Finance Law, if this contract exceeds \$5,000, the Contractor agrees, as a material condition of the contract, that neither the Contractor nor any substantially owned or affiliated person, firm, partnership or corporation has participated, is participating, or shall participate in an international boycott in violation of the federal Export Administration Act of 1979 (50 USC App. Sections 2401 et seq.) or regulations thereunder. If such Contractor, or any of the aforesaid affiliates of Contractor, is convicted or is otherwise found to have violated said laws or regulations upon the final determination of the United States Commerce Department or any other appropriate agency of the United States subsequent to the contract's execution, such contract, amendment or modification thereto shall be rendered forfeit and void. The Contractor shall so notify the State Comptroller within five (5) business days of such conviction, determination or disposition of appeal (2NYCRR 105.4).

9. **SET-OFF RIGHTS.** The State shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for the purposes of set-off any moneys due to the Contractor under this contract up to any amounts due and owing to the State with regard to this contract, any other contract with any State department or agency, including any contract for a term commencing prior to the term of this contract, plus any amounts due and owing to the State for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The State shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the State agency, its representatives, or the State Comptroller.

10. RECORDS. The Contractor shall establish and maintain complete and accurate books, records, documents, accounts and other evidence directly pertinent to performance under this contract (hereinafter, collectively, 'the Records'). The Records must be kept for the balance of the calendar year in which they were made and for six (6) additional years thereafter. The State Comptroller, the Attorney General and any other person or entity authorized to conduct an examination, as well as the agency or agencies involved in this contract, shall have access to the Records during normal business hours at an office of the Contractor within the State of New York or, if no such office is available, at a mutually agreeable and reasonable venue within the State, for the term specified above for the purposes of inspection, auditing and copying. The State shall take reasonable steps to protect from public disclosure any of the Records which are exempt from disclosure under Section 87 of the Public Officers Law (the 'Statute') provided that: (i) the Contractor shall timely inform an appropriate State official, in writing, that said records should not be disclosed; and (ii) said records shall be sufficiently identified; and (iii) designation of said records as exempt under the Statute is reasonable. Nothing contained herein shall diminish, or in any way adversely affect, the State's right to discovery in any pending or future litigation.

11. IDENTIFYING INFORMATION AND PRIVACY NOTIFICATION.

(a) FEDERAL EMPLOYER IDENTIFICATION NUMBER and/or FEDERAL SOCIAL SECURITY NUMBER. All invoices or New York State standard vouchers submitted for payment for the sale of goods or services or the lease of real or personal property to a New York State agency must include the payee's identification number, i.e., the seller's or lessor's identification number. The number is either the payee's Federal employer identification number or Federal social security number, or both such numbers when the payee has both such numbers. Failure to include this number or numbers may delay payment. Where the payee does not have such number or numbers, the payee, on its invoice or New York State standard voucher, must give the reason or reasons why the payee does not have such number or numbers.

(b) PRIVACY NOTIFICATION.

(1) The authority to request the above personal information from a seller of goods or services or a lessor of real or personal property, and the authority to maintain such information, is found in Section 5 of the State Tax Law. Disclosure of this information by the seller or lessor to the State is mandatory. The principal purpose for which the information is collected is to enable the State to identify individuals, businesses and others who have been delinquent in filing tax returns or may have understated their tax liabilities and to generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. The information will be used for tax administration purposes and for any other purpose authorized by law.

(2) The personal information is requested by the purchasing unit of the agency contracting to purchase the goods or services or lease the real or personal property covered by this contract or lease. The information is maintained in New York State's Central Accounting System by the Director of Accounting Operations, Office of the State Comptroller, 110 State Street, Albany, New York 12236.

12. EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITIES AND WOMEN. In accordance with Section 312 of the Executive Law, if this contract is: (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of \$25,000.00, whereby a contracting agency is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; or (ii) a written agreement in excess of \$100,000.00 whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; or (iii) a written agreement in excess of \$100,000.00 whereby the owner of a State assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project, then:

(a) The Contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin,

sex, age, disability or marital status, and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion, upgradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;

(b) at the request of the contracting agency, the Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the contractor's obligations herein; and

(c) the Contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the State contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

Contractor will include the provisions of 'a', 'b', and 'c' above, in every subcontract over \$25,000.00 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the 'Work') except where the Work is for the beneficial use of the Contractor. Section 312 does not apply to: (i) work, goods or services unrelated to this contract; or (ii) employment outside New York State; or (iii) banking services, insurance policies or the sale of securities. The State shall consider compliance by a contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity which effectuates the purpose of this section. The contracting agency shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such federal law and if such duplication or conflict exists, the contracting agency shall waive the applicability of Section 312 to the extent of such duplication or conflict. Contractor will comply with all duly promulgated and lawful rules and regulations of the Governor's Office of Minority and Women's Business Development pertaining hereto.

13. **CONFLICTING TERMS.** In the event of a conflict between the terms of the contract (including any and all attachments thereto and amendments thereof) and the terms of this Appendix A, the terms of this Appendix A shall control.

14. **GOVERNING LAW.** This contract shall be governed by the laws of the State of New York except where the Federal supremacy clause requires otherwise.

15. **LATE PAYMENT.** Timeliness of payment and any interest to be paid to Contractor for late payment shall be governed by Article 11-A of the State Finance Law to the extent required by law.

16. **NO ARBITRATION.** Disputes involving this contract, including the breach or alleged breach thereof, may not be submitted to binding arbitration (except where statutorily authorized), but must, instead, be heard in a court of competent jurisdiction of the State of New York.

17. **SERVICE OF PROCESS.** In addition to the methods of service allowed by the State Civil Practice Law & Rules ('CPLR'), Contractor hereby consents to service of process upon it by registered or certified mail, return receipt requested. Service hereunder shall be complete upon Contractor's actual receipt of process or upon the State's receipt of the return thereof by the United States Postal Service as refused or undeliverable. Contractor must promptly notify the State, in writing, of each and every change of address to which service

of process can be made. Service by the State to the last known address shall be sufficient. Contractor will have thirty (30) calendar days after service hereunder is complete in which to respond.

18. PROHIBITION ON PURCHASE OF TROPICAL HARDWOODS. The Contractor certifies and warrants that all wood products to be used under this contract award will be in accordance with, but not limited to, the specifications and provisions of State Finance Law '165. (Use of Tropical Hardwoods) which prohibits purchase and use of tropical hardwoods, unless specifically exempted, by the State or any governmental agency or political subdivision or public benefit corporation. Qualification for an exemption under this law will be the responsibility of the contractor to establish to meet with the approval of the State.

In addition, when any portion of this contract involving the use of woods, whether supply or installation, is to be performed by any subcontractor, the prime Contractor will indicate and certify in the submitted bid proposal that the subcontractor has been informed and is in compliance with specifications and provisions regarding use of tropical hardwoods as detailed in '165 State Finance Law. Any such use must meet with the approval of the State; otherwise, the bid may not be considered responsive. Under bidder certifications, proof of qualification for exemption will be the responsibility of the Contractor to meet with the approval of the State.

19. MACBRIDE FAIR EMPLOYMENT PRINCIPLES. In accordance with the MacBride Fair Employment Principles (Chapter 807 of the Laws of 1992), the Contractor hereby stipulates that the Contractor either (a) has no business operations in Northern Ireland, or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles (as described in Section 165 of the New York State Finance Law), and shall permit independent monitoring of compliance with such principles.

20. OMNIBUS PROCUREMENT ACT OF 1992. It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority and women-owned business enterprises as bidders, subcontractors and suppliers on its procurement contracts.

Information on the availability of New York State subcontractors and suppliers is available from:

NYS Department of Economic Development

Division for Small Business

30 South Pearl St -- 7th Floor

Albany, New York 12245

Telephone: 518-292-5220

Fax: 518-292-5884

<http://www.empire.state.ny.us>

A directory of certified minority and women-owned business enterprises is available from:

NYS Department of Economic Development

Division of Minority and Women's Business Development

30 South Pearl St -- 2nd Floor

Albany, New York 12245

Telephone: 518-292-5250

Fax: 518-292-5803

<http://www.empire.state.ny.us>

The Omnibus Procurement Act of 1992 requires that by signing this bid proposal or contract, as applicable, Contractors certify that whenever the total bid amount is greater than \$1 million:

- (a) The Contractor has made reasonable efforts to encourage the participation of New York State Business Enterprises as suppliers and subcontractors, including certified minority and women-owned business enterprises, on this project, and has retained the documentation of these efforts to be provided upon request to the State;
- (b) The Contractor has complied with the Federal Equal Opportunity Act of 1972 (P.L. 92-261), as amended;
- (c) The Contractor agrees to make reasonable efforts to provide notification to New York State residents of employment opportunities on this project through listing any such positions with the Job Service Division of the New York State Department of Labor, or providing such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The Contractor agrees to document these efforts and to provide said documentation to the State upon request; and
- (d) The Contractor acknowledges notice that the State may seek to obtain offset credits from foreign countries as a result of this contract and agrees to cooperate with the State in these efforts.

21. **RECIPROCITY AND SANCTIONS PROVISIONS.** Bidders are hereby notified that if their principal place of business is located in a country, nation, province, state or political subdivision that penalizes New York State vendors, and if the goods or services they offer will be substantially produced or performed outside New York State, the Omnibus Procurement Act 1994 and 2000 amendments (Chapter 684 and Chapter 383, respectively) require that they be denied contracts which they would otherwise obtain. NOTE: As of May 15, 2002, the list of discriminatory jurisdictions subject to this provision includes the states of South Carolina, Alaska, West Virginia, Wyoming, Louisiana and Hawaii. Contact NYS Department of Economic Development for a current list of jurisdictions subject to this provision.

22. **PURCHASES OF APPAREL.** In accordance with State Finance Law 162 (4-a), the State shall not purchase any apparel from any vendor unable or unwilling to certify that: (i) such apparel was manufactured in compliance with all applicable labor and occupational safety laws, including, but not limited to, child labor laws, wage and hours laws and workplace safety laws, and (ii) vendor will supply, with its bid (or, if not a bid situation, prior to or at the time of signing a contract with the State), if known, the names and addresses of each subcontractor and a list of all manufacturing plants to be utilized by the bidder.

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All Certified Assurances for federal programs, and DCJS Contract Appendices are also available online for download at <http://criminaljustice.state.ny.us/ofpa/forms.htm>.

(rev) June, 2006

Certified by - Byron Brown on 08/25/2010

APPENDIX A1

AGENCY-SPECIFIC CLAUSES

1. For grant solicitations or direct grant awards announced before April 10, 2006, if this Agreement exceeds \$15,000, it shall not take effect until it is executed by the parties hereto and approved by the Attorney General and the Comptroller of the State of New York. If this Agreement is for \$15,000 or less, it shall not take effect until it is executed by both parties.

For grant solicitations or direct grant awards announced on or after April 10, 2006, if this Agreement exceeds \$50,000, it shall not take effect until it is executed by the parties hereto and approved by the Attorney General and the Comptroller of the State of New York. If this Agreement is for \$50,000 or less, it shall not take effect until it is executed by both parties.

2. This Agreement sets forth the entire understanding of the parties and may not be altered or amended except in writing and signed by the parties hereto. The parties agree, however, that DCJS may unilaterally amend only the following sections of the Budget Amendment/Grant Extension form (DCJS-55) to insure accuracy and completeness: identification of Federal Funds or State Funds; #1 Grantee Name; #2 County; #3 Contract No.; #4 Implementing Agency; #5 DCJS No.; #7 Project Title; #9 Date of Last Approved Request; #10 Contract Duration; and A. Approved Project Budget. DCJS shall initial such amendment(s) and shall provide Grantee with a copy of the corrected DCJS-55 that was unilaterally amended by DCJS.

3. The failure of a party to enforce a contractual obligation shall not eliminate the other party's obligation to perform such contractual obligation.

4. In the event that any provision of this Agreement is determined to be null and void, all remaining provisions shall continue to be in full force and effect.

5. The Grantee must notify DCJS in writing of any change in the number, title, job duties or rate of remuneration of project staff which changes the Personal Service Project Budget line by 10 percent or under. Any change in the number, title, job duties or rate of remuneration of project staff which changes the Project Budget line more than 10 percent must be approved in writing by DCJS prior to implementation. The Grantee agrees to provide DCJS with resumes and supporting documentation upon request.

6. The Grantee shall submit detailed itemization forms for personal service and fringe benefit expenditures, in a format determined by DCJS, with any voucher and Fiscal Cost Reports requesting payment for expenditures.

7. The Grantee must maintain specific documentation as support for project related personal service expenditures, depending upon whether this grant contract project is supported by State or Federal funds:

A. For State funded grants:

For all Grantee's staff whose salaries are paid in whole or in part from grant funds provided under this Agreement, the Grantee shall maintain a time recording system which shows the time devoted to the grant project. The system shall consist of time sheets,

computerized workload distribution reports, or equivalent systems. The time devoted to grant activities must be determinable and verifiable by DCJS. If time sheets are used, each must be signed by the individual and certified by the individual's supervisor in a higher level position at the end of each time reporting period.

B. For Federally funded grants:

Depending upon the nature or extent of personal service provided under this Agreement, the Grantee shall maintain semi-annual (or more frequent) personal service certifications and/or an after-the-fact personnel activity reporting system (or equivalent) which complies with the requirements of the Federal Office of Management and Budget (OMB) Circulars A-21, A-87 or A-122, as applicable:

1. OMB Circular A-21 [Item J, General provisions for selected items of cost] identifies documentation required for educational institutions as support for grant project personnel costs.
2. OMB Circular A-87 [Attachment B, Selected Items of Cost] identifies the documentation required for local government agencies as support for grant project personnel costs.
3. OMB Circular A-122 [Attachment B, Selected Items of Cost] identifies the documentation required for non-profit organizations as support for grant project personnel costs.

The most current version of these Federal OMB Circulars may be viewed on-line at:
www.whitehouse.gov/omb/circulars.

The Grantee is to ensure full compliance with specific personal service documentation requirements of these OMB Circulars as applicable directly to the Grant recipient and to any sub-recipient (or collaborative agency/organization). Failure to do so may result in disallowance of costs upon audit.

8. Budget amendments are governed as follows:

A. Any proposed modification to the contract which results in a change of greater than 10 percent to any budget category must be submitted for prior written approval by DCJS and the NYS Office of the State Comptroller. An Appendix X and a DCJS-55 setting forth the proposed amendment must be submitted to DCJS for approval by DCJS and the NYS Office of the State Comptroller before the next voucher and/or fiscal cost report will be approved.

B. For proposed modifications to the contract which result in a change of 10 percent or less to any budget category, the following shall apply:

1. The Grantee is not permitted to reallocate funds between Personal Service and Non-Personal Service budget categories without the prior written approval of DCJS. A DCJS-55 setting forth the proposed amendment must be submitted to and approved by DCJS before the next voucher and/or fiscal cost report will be approved.

2. Prior approval by DCJS is not required for Non-Personal Service budget changes which are less than 10 percent. A DCJS-55 and a letter signed by the Chief Executive Officer or Fiscal Officer authorizing these changes must be submitted to DCJS with the next voucher or fiscal cost report submission.

9. Space rental provided by this Agreement must be supported by a written lease, maintained on file and made available by the Grantee upon request.

10. The Grantee's request for travel, meals or lodging reimbursement shall be in accordance with Appendix B, Budget, and, unless prior written authorization has been received from DCJS, shall not exceed rates authorized by the NYS Office of the State Comptroller.

11. The Grantee's employment of a consultant must be supported by a written agreement executed by the Grantee and the consultant. A consultant is defined as an individual or organization hired by the Grantee for the stated purpose of accomplishing a specific task relative to the funded project. A copy of the agreement must be submitted to DCJS with the appropriate voucher for payment. All consultant services must be obtained in a manner that provides for fair and open competition. The Grantee shall retain copies of all solicitations seeking a consultant, written agreements and documentation justifying the cost and selection of the consultant. The Grantee further agrees that it shall assume sole and complete responsibility for fulfilling all the obligations set forth in the Agreement and the Grantee must guarantee the work of the consultant as if it were its own.

A. The rate for a consultant should not exceed \$450 for an eight-hour day (not including travel and subsistence costs). A rate exceeding \$450 per eight-hour day requires prior written approval from DCJS and may be approved on a case-by-case basis where adequate justification is provided and expenses are reasonable and allowable.

B. In addition to the above requirements, a Grantee that is a local government or a not-for-profit must adhere to the following guidelines at a minimum when obtaining consultant services:

1. Consultant services that cost up to \$999 under this grant agreement can be obtained at the Grantee's discretion.

2. Consultant services that cost between \$1,000 and \$4,999 under this grant agreement must be supported by at least three telephone quotes and a record created of such quotes.

3. Consultant services that cost between \$5,000 and \$9,999 under this grant agreement must be supported by at least three written quotes on a vendor's stationery and a record created of competitive procurement process utilized.

4. A Grantee obtaining consultant services that cost in excess of \$10,000 must use a competitive bidding process. Guidance may be obtained from DCJS. At a minimum, the competitive bidding process must incorporate the following: open, fair advertisement of the opportunity to provide services; equal provision of information to all interested parties; reasonable deadlines; sealed bids opened at one time before a committee who will certify the process; establishment of the methodology for evaluating bids before the bids are opened; and maintenance of a record of competitive procurement process.

C. A Grantee who proposes to obtain consultant services from a particular vendor without competitive bidding, must obtain the prior written approval of DCJS. The request for approval must be in writing and set forth, at a minimum, a detailed justification for selection

and basis upon which the price was determined to be reasonable. Further, such consultant services must be in accordance with the guidelines, bulletins and regulations of the NYS Office of the State Comptroller, State Procurement Council, and the U.S. Department of Justice. A copy of DCJS' approval must also be submitted with the voucher for payment.

D. Notwithstanding the provisions of this paragraph, the Parties agree that DCJS' prior written approval is not required for the employment of a consultant when such employment is secured in relationship to a criminal matter as an expert witness, consultant or investigator. The Parties agree that the employment shall be supported by a written agreement and that all requests for reimbursement shall be supported by documentation identifying the criminal matter involved, services provided, time commitment and schedule. Such agreement and documentation shall be submitted to DCJS with the appropriate voucher for payment.

12. All procurements, other than consultant services, shall be conducted in the following manner. Written justification and documentation for all procurements must be maintained on file and made available upon request. Detailed itemization forms for non-personal service expenditures, in a format determined by DCJS, shall accompany each voucher and Fiscal Cost Report requesting payment. All procurements must be made in a fair and open manner and in accordance with the pre-determined methodology established for evaluating bids (e.g., lowest responsive bidder or best value).

A. A Grantee that is a state entity must make all procurements in accordance with State Finance Law Article 11, and any other applicable regulations.

B. A Grantee that is a local government must make procurements in accordance with General Municipal Law Article 5-A and any other applicable regulations.

C. In addition, a Grantee that is a not-for-profit must also make all procurements as noted below:

1. If the Grantee is eligible to purchase an item or service from a government contract or is able to purchase such item or service elsewhere at a lower than or equal price, then such purchase may be made immediately.

2. A Grantee may purchase any single piece of equipment, single service or multiples of each that cost up to \$999 at its discretion.

3. Before purchasing any piece of equipment, service or multiples of each that have an aggregate cost between \$1,000 and \$4,999, a Grantee must secure at least three telephone quotes and create a record for audit of such quotes.

4. Before purchasing any piece of equipment, service or multiples of each that have an aggregate cost between \$5,000 and \$9,999, the Grantee must secure at least three written quotes on a vendor's stationery and maintain a record of the competitive procurement process for audit purposes.

5. A Grantee spending in aggregate of \$10,000 and above must use a competitive bidding process. Guidance may be obtained from DCJS. At a minimum, the competitive bidding process must incorporate the following: open, fair advertisement of the opportunity to provide services; equal provision of information to all interested parties; reasonable deadlines; sealed bids opened at one time before a committee who will certify the process; establishment of the methodology for evaluating bids before the bids are opened; and maintenance of a record of competitive procurement process.

6. A Grantee who proposes to purchase from a particular vendor without competitive bidding must obtain the prior written approval of DCJS. The request for approval must be in writing and set forth, at a minimum, a detailed justification for selection and the basis upon which the price was determined to be reasonable. Further, such procurement must be in accordance with the guidelines, bulletins and regulations of the NYS Office of the State Comptroller, State Procurement Council, and the U.S. Department of Justice. A copy of DCJS' approval must also be submitted with the voucher for payment.

13. Applicable equipment purchased with funds provided by this Agreement as listed in Appendix B, Budget, shall be assigned a unique inventory number. The Grantee shall list all applicable equipment purchased with such funds in the GMS Property Module and print and submit such reports to DCJS/ODPF program representatives with the final program progress report or sooner. Alternatively, the Grantee may use the Equipment Inventory reports prescribed by DCJS to list equipment purchases and submit them to DCJS via postal service. Items of equipment costing less than \$500 do not need to be reported on the Equipment Inventory Reports although the Grantee is encouraged to maintain an internal inventory for audit purposes. Upon completion of all contractual requirements by the Grantee, DCJS will consider a request for continued use and possession of the equipment purchased with grant funds provided the equipment continues to be used in conducting a criminal justice program.

14. Grant funds may be expended only for purposes and activities set forth in this Agreement. Accordingly, the most important single requirement of accounting for this grant is the complete and accurate documentation of grant expenditures. If the Grantee receives funding from two or more sources, all necessary steps must be taken to ensure that grant-related transactions are not commingled. This includes, but is not limited to, the establishment of unique budget codes, a separate cost center, or a separate chart of accounts. Expenditures must be cross-referenced to supporting source documents (purchase orders, contracts, real estate leases, invoices, vouchers, timesheets, mileage logs, etc.). Grantee agrees it shall maintain adequate internal controls and adhere to Generally Accepted Accounting Principles for Government or Generally Accepted Accounting Principles for Not-for-Profit Organizations.

This Agreement may be subject to a fiscal audit by DCJS to ascertain financial compliance with Federal and/or State laws, regulations, and guidelines applicable to this Agreement. Such audits may include review of the Grantee's accounting, financial, and reporting practices to determine compliance with the Agreement and reporting requirements; maintenance of accurate and reliable original accounting records in accordance with governmental accounting standards as well as generally accepted accounting principles; and specific compliance with allowable cost and expenditure documentation standards prescribed by applicable Federal, State, and DCJS guidelines.

15. Where advance payments are approved by DCJS, the Grantee agrees to expend the advance payments in accordance with the purposes set forth in Appendix D and consistent with Appendix B.

16. DCJS reserves the right to suspend program funds if the Grantee is found to be in noncompliance with the provisions of this Agreement or other grant agreements between the Grantee and DCJS or, if the Grantee or principals of the Grantee are under investigation by a New York State or local law enforcement agency for noncompliance with State or Federal laws or regulatory provisions or, if in DCJS' judgment, the services provided by the Grantee under the Agreement are unsatisfactory or untimely. DCJS shall provide the Grantee with written notice of noncompliance. Upon the Grantee's failure to correct or comply with the written notice by DCJS, DCJS reserves the right to terminate this Agreement, recoup funds and recover any assets purchased with the proceeds of this Agreement. DCJS reserves the right to use approved grant related expenditures to offset disallowed expenditures from any grant funded through its

offices upon issuance of a final audit report and appropriate notification to the Grantee, or upon reasonable assurance that the Grantee is not in compliance with Agreement terms.

17. The Grantee agrees, as a material condition of the Agreement, to comply with all applicable provisions of the Hatch Act (5 U.S.C. "1501 et seq.) as amended.

18. Program income earned by the Grantee during the funding period as a direct result of the grant award must be reported in writing to DCJS, in addition to any other statutory reporting requirements. This includes income received from seized and forfeited assets and cash, as well as: sale of grant purchased property; royalties; fees for services; and registration/tuition fees. Interest earned on grant funds is not program income unless specified in Appendix D. The Grantee agrees to report the receipt and expenditures of grant program income to DCJS. All income, including interest, generated by the use of these grant funds will be used to enhance the grant project.

19. If applicable, the Grantee agrees to obtain not-for-profit status, a federal identification number, and a charitable registration number (or a declaration of exemption) and to furnish DCJS with this information as soon as it is available.

20. Unless otherwise specified, in accordance with the State Finance Law, the availability of all State funds for liabilities already incurred thereunder shall cease on September 15th of the year following the fiscal year in which the funds were appropriated, unless such funds are reappropriated by the New York State Legislature. To ensure payment, vouchers must be received by DCJS by August 1st of the year following the fiscal year in which the funds were appropriated.

21. The Grantee will submit program progress reports and one final report to DCJS via the GMS system and additional information or amended data as required.

A. Program progress reports will be due within 45 days of the last day of each calendar quarter or on an alternate schedule as prescribed in Appendix D. The first program progress report will be due within 45 days of the last day of the calendar quarter from the start date of the program.

Program progress reports thereafter will continue to be made until such time as the funds subject to this Agreement are no longer available, have been accounted for, and/or throughout the Agreement period or project duration.

Calendar quarters, for the purposes of making program progress reports, shall be as follows:

Calendar Quarter;	Report Due
January 1 - March 31;	May 15
April 1 - June 30;	August 15
July 1 - September 30;	November 15

October 1 - December 31; February 15

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B. The final report, or where applicable interim progress reports, will summarize the project's achievements as well as describe activities for that quarter.

22. If for any reason the State of New York or the federal government terminates its appropriation through DCJS or fails to pay the full amount of the allocation for the operation of this program, this Agreement may be terminated or reduced at the discretion of DCJS, provided that no such reduction or termination shall apply to allowable costs already incurred by the Grantee where funds are available to DCJS for payment of such costs. Upon termination or reduction of the Agreement, all remaining funds paid to the Grantee that are not subject to allowable costs already incurred by the Grantee shall be returned to DCJS. In any event, no liability shall be incurred by DCJS or by the State of New York beyond monies available for the purposes of this Agreement. The Grantee acknowledges that any funds due to DCJS because of disallowed expenditures after audit shall be its responsibility.

23. If Appendix B, Program Budget, makes provisions for overtime payment, the Grantee agrees to submit vouchers for such payment of overtime charges within 45 days after the last day of the quarter for the reporting period. The Grantee further agrees to limit overtime earnings to no more than 25 percent (25%) of the employee's annual personnel cost (salary plus fringe benefits) during the term of this Agreement. No reimbursements for overtime charges in excess of this 25 percent (25%) limit will be made unless prior written approval has been obtained from DCJS.

24. None of the goals, objectives or tasks set forth in Appendix D shall be subawarded to another organization without specific prior written approval by DCJS. Where the intention to make subawards is clearly indicated in the application, DCJS' approval is deemed given, if these activities are funded as proposed.

If this Agreement makes provisions for the Grantee to subgrant funds to other recipients, the Grantee agrees that all subgrantees shall be held accountable by the Grantee for all terms and conditions set forth in this Agreement. The Grantee further agrees that it shall assume sole and complete responsibility for fulfilling all the obligations set forth in the Agreement and the Grantee must guarantee the work of any subgrantee as if it were its own.

The Grantee agrees that all subgrantee arrangements shall be formalized in writing between the parties involved. The writing must, at a minimum, include the following information:

-Activities to be performed;

-schedule;

-Project policies;

-Other policies and procedures to be followed;

-Dollar limitation of the Agreement;

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-Appendix A, Appendix A-1, Appendix C, Certified Assurances for Federally Supported Projects, Certification Regarding Lobbying, Debarment and Suspension and any special conditions set forth in the Agreement; and

-Applicable Federal and/or State cost principles to be used in determining allowable costs.

The Grantee will not be reimbursed for subgranted funds unless all expenditures by a subgrantee are listed on certification forms. Backup documentation for such expenditures must be made available upon request. All expenditures must be programmatically consistent with the goals and objectives of this Agreement and with the financial plan set forth in Appendix B.

25. Federal Funds

A. In accordance with Federal requirements, a Grantee which receives during its fiscal year \$500,000 or more of Federal funds (including pass-through and direct) from all sources, including this Agreement, must agree to have an independent audit of such Federal funds conducted in accordance with the Federal Office of Management and Budget (OMB) Circular A-133. OMB Circular A-133 further requires that the final report for such audit be completed within nine months of the end of the Grantee's fiscal year. The Grantee further agrees to provide one copy of such audit report(s) to DCJS within nine months of the end of its fiscal year(s).

B. In accordance with Federal requirements, a Grantee receiving Federal pass-through funds must also agree to comply with the terms and conditions of any and all applicable Federal OMB Circulars. For the convenience of the Grantee, the following OMB circulars are noted as the most common applicable to federal funds passed through DCJS:

- OMB Circular A 21, Cost Principles for Educational Institutions;
- OMB Circular A 87, Cost Principles for State, Local and Indian Tribal Governments;
- OMB Circular A 102, Grants and Cooperative Agreements With State and Local Governments;
- OMB Circular A 110, Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals and Other Non Profit Organizations; and
- OMB Circular A 122, Cost Principles for Non Profit Organizations.

The Parties agree that, dependent upon the status of the Grantee, additional circulars may also be applicable. The most current version of all Federal OMB Circulars may be viewed on-line at: www.whitehouse.gov/omb/circulars.

The Grantee is to ensure full compliance with all cost documentation requirements of OMB Circulars as applicable directly to the Grant recipient and to any sub-recipient (or collaborative agency/organization). Failure to do so may result in disallowance of costs upon audit.

26. Any creative or literary work developed or commissioned by the Grantee with grant support provided by DCJS shall become the property of DCJS, entitling DCJS to assert a copyright therein, unless the parties have expressly agreed otherwise in a written instrument

signed by them.

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A. If DCJS shares its right to copyright such work with the Grantee, DCJS reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use: (a) the copyright in any work developed under a grant, subgrant, or contract under a grant or subgrant; and (b) any rights of copyright to which a Grantee, Subgrantee, or a Contractor purchases ownership with grant support.

B. If the grant support provided by DCJS is federally sponsored, the federal awarding agency also reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use: (a) the copyright in any work developed under a grant, subgrant or contract under a grant or subgrant; and (b) any rights of copyright to which a Grantee, Subgrantee, or a Contractor purchases ownership with such grant support.

C. The Grantee shall submit one copy of all reports and publications resulting from this Agreement to DCJS. Any publications must contain the following statement, in visible print, of any document generated pursuant to a grant administered by DCJS:

This project was supported by a grant administered by the New York State Division of Criminal Justice Services. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the Division of Criminal Justice Services.

27. Original records must be retained for six years following the submission of the final claim against this Agreement. In the event of a fiscal audit, the project manager or a designated responsible party must be prepared to produce source documents that substantiate claimed expenditures. DCJS requires that all documentation materials be organized, readily accessible, and cross-referenced to the Fiscal Cost Reports previously submitted. If fiscal records, such as purchase orders, vouchers, payroll registers, payroll tax records, etc., are to be kept in a fiscal office which is separate and apart from the program office, the project manager must have access to these original records. Such fiscal records must readily identify the associated project. In addition, a separate set of records must be retained for each project year.

28. Grant-related expenditures shall be reported on Fiscal Cost Reports and detailed itemization forms provided by DCJS. These reports must be prepared periodically as defined in Appendix C of this Agreement. All reported expenditures must reconcile to the program accounting records. Prior period adjustments shall be reported in the same accounting period that the correction was made.

VER:11/19/09

Certified by - Byron Brown on 08/25/2010

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APPENDIX B - Budget Summary by Participant

Buffalo, City of - Version 1

#	Personnel	Number	Unit Cost	Total Cost	Grant Funds	Matching Funds
1	Social Worker Supervisor (40 hours x \$41.92/hr)	1	\$1,680.00	\$1,680.00	\$1,680.00	\$0.00
2	Intern (4 hours x 37 weeks)	1	\$1,704.00	\$1,704.00	\$0.00	\$1,704.00
3	Program Director - Youth Counseling - (160 hours x \$36/hr)	1	\$5,760.00	\$5,760.00	\$5,760.00	\$0.00
4	Clinical Social Worker (133 hours x \$20.50/hr)	1	\$2,730.00	\$2,730.00	\$2,730.00	\$0.00
Total				\$11,874.00	\$10,170.00	\$1,704.00

#	Fringe Benefits	Number	Unit Cost	Total Cost	Grant Funds	Matching Funds
1	Fringe Benefits - Program Director - Youth Counseling @ 12%	1	\$681.00	\$681.00	\$0.00	\$681.00
2	Fringe Benefits - Clinical Social Worker @ 23%	1	\$628.00	\$628.00	\$628.00	\$0.00
3	Fringe Benefits - Social Worker Supervisor @ 23%	1	\$386.00	\$386.00	\$386.00	\$0.00
Total				\$1,695.00	\$1,014.00	\$681.00

#	Equipment	Number	Unit Cost	Total Cost	Grant Funds	Matching Funds
1	Laptop Computer	1	\$1,277.00	\$1,277.00	\$1,277.00	\$0.00
2	TV/DVD Player	1	\$550.00	\$550.00	\$550.00	\$0.00
Total				\$1,827.00	\$1,827.00	\$0.00

#	Travel and Subsistence	Number	Unit Cost	Total Cost	Grant Funds	Matching Funds
1	Girls Circle Curriculum Training	1	\$2,300.00	\$2,300.00	\$2,300.00	\$0.00
Total				\$2,300.00	\$2,300.00	\$0.00

#	All Other Expenses	Number	Unit Cost	Total Cost	Grant Funds	Matching Funds
1	Field trips	1	\$2,000.00	\$2,000.00	\$2,000.00	\$0.00
2	Girls Circle Curriculum	1	\$1,500.00	\$1,500.00	\$1,500.00	\$0.00
3	Registration Fees - Girls Circle Curriculum Training	1	\$700.00	\$700.00	\$700.00	\$0.00
4	Refreshments	1	\$1,950.00	\$1,950.00	\$1,950.00	\$0.00
Total				\$6,150.00	\$6,150.00	\$0.00

Buffalo, City of Total Project Costs	Total Cost	Grant Funds	Matching Funds
	\$23,846.00	\$21,461.00	\$2,385.00

Buffalo Department of Community Services

Total Project Costs	Total Cost	Grant Funds	Matching Funds
	\$23,846.00	\$21,461.00	\$2,385.00

Project No. Grantee Name
JB09-1058-E00 Buffalo, City of

08/30/2010

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APPENDIX C

PAYMENT AND REPORTING SCHEDULE

NOTE: Additional payment provisions associated with the schedule(s) below are detailed in Appendix A-1.

For All Grantees:

1. The Grantee agrees that this is a reimbursement-based contract; an advance may be provided through Appendix D (Special Conditions). All requests for reimbursement must reflect actual costs that have been disbursed or items received by the Grantee. A purchase order issued without receipt of the items or service is not eligible for reimbursement.
2. Grantees must submit all required fiscal reports, supporting documentation and program progress reports. Failure to meet these requirements will result in the rejection of associated vouchers. Failure to submit the final program report, or interim progress report designated as the final report, may result in a disallowance of 25 percent (25%) of the grant amount. The Grantee must also refund all unexpended advances (see item three below.) Final vouchers, reimbursement payment and reports must be submitted within 45 days of the end of the grant contract period. Failure to voucher within this period may result in the loss of grant funds.
3. If at the end of this grant contract there remains any unexpended balance of the monies advanced under this contract in the possession of the Grantee, the Grantee shall submit a certified check or money order for the unexpended balance payable to the order of the State of New York and return it to the DCJS Office of Finance with its final fiscal cost report within 45 days of termination of this grant contract.
4. Vouchers shall be submitted in a format acceptable to DCJS and the Office of the State Comptroller (see <http://www.criminaljustice.state.ny.us/ofpa/forms.htm>). Vouchers submitted for payment shall be deemed to be a certification that the payments requested are for project expenditures made in accordance with the items as contained in the Project Budget (Appendix B) and during the contract period. When submitting a voucher, such voucher shall also be deemed to certify that: a) the payments requested do not duplicate reimbursement from other sources of funding; and b) the funds provided herein do not replace funds that, in the absence of this grant, would have been made available by the Grantee for this program. Requirement b) does not apply to Legislative sponsored State grants.
5. For purposes of prompt payment provisions, the Designated Payment Office for the processing of all vouchers is the DCJS Office of Financial Services. Payment of grant vouchers shall be made in accordance with the provisions of Article XI-A of the State Finance Law (<http://caselaw.lp.findlaw.com/nycodes/c113/a19.html>). Payment shall be preceded by an inspection period of 15 business days which shall be excluded from calculations of the payment due date for purposes of determining eligibility for interest payments. The Grantee must notify the Office of Finance in writing of a change of address in order to benefit from the prompt payment provision of the State Finance Law. When progress reports are overdue, vouchers will not be eligible for prompt payment.
6. Timely and properly completed New York State vouchers, with supporting documentation when required, shall be submitted to:

NYS Division of Criminal Justice Services
Office of Finance
4 Tower Place
Albany, NY 12203-3764

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7. Payment Schedule

PAYMENT     PAYMENT DUE DATE

1       Pending appropriation, 30 days after commencement date of contract with proper documentation or upon receipt of proper documentation, whichever is later.

2-4       Quarterly

A not-for-profit Grantee operating on a multi-year contract may voucher for an optional fifth quarter advance against the succeeding year's appropriation, pursuant to NYS Finance Law, Section 179-u.

All submitted vouchers will reflect the Grantee's actual expenditures and will be accompanied by supporting detailed itemizations of personal service and non-personal service expenditures and other documentation as required, and by a fiscal cost report for the reporting period. DCJS reserves the right not to release subsequent grant awards pending Grantee compliance with this Agreement. In the event that any expenditure for which the Grantee has been reimbursed by grant funds is subsequently disallowed, DCJS in its sole discretion, may reduce the voucher payment by the amount disallowed. If necessary, the Grantee may be required to submit a final budget reallocation. Fiscal cost reports must be submitted showing grant expenditures and/or obligations for each quarter of the grant within 45 days after the last day of the quarter for the reporting period.

Advance payments shall be permitted as specified in Appendix A-1, and in the amount specified in Appendix D (Special Conditions).

Payment requests need to include the following documents as required:

- Detailed Itemization of Personal Service Expenditures
- Detailed Itemization of Non-Personal Service Expenditures
- Detailed Itemization of Consultant Expenditures
- Expert witness agreement and supporting documentation
- Voucher and Fiscal Cost Report signed
- Written documentation of all required DCJS prior approvals as follows:
 - DCJS approval of non-competitive consultant.
 - DCJS approval of non-competitive vendor for services.
 - DCJS approval of consultant services reimbursement greater than \$450 per eight hour day.
 - DCJS approval of change to Personal Services by more than 10 percent.

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-DCJS approval to exceed NYS Office of the State Comptroller travel, meals and lodging rates.

-DCJS approval to subaward to another organization.

-DCJS approval for overtime payments exceeding 25 percent of an employee's annual personnel cost.

-DCJS and NYS Office of the State Comptroller approval to modify Personal Services and Non Personal Services budget categories by more than 10 percent.

\$ DCJS approval to reallocate funds between Personal Services and Non Personal Services.

VER073109

Certified by - Byron Brown on 08/25/2010

129

Mr. Fontana moved:

That the above communication from the Commissioner of Community Services dated September 17, 2010, be received and filed; and

That the Commissioner of Community Services, Division of Youth be, and they hereby are authorized on behalf of the City to accept a grant from the New York State Department to Criminal Justices Services to fund the City of Buffalo Girls Circle Program, totaling \$21,461.00. That the Comptroller be, and he hereby is authorized to provide an interfund cash loan totaling \$21,461.00. The loan is payable at date of reimbursement.

Passed.

TAB:rmv

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* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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FROM THE COMMISSIONER OF HUMAN RESOURCES

October 19, 2010

00033



CITY OF BUFFALO
DEPARTMENT OF HUMAN RESOURCES



BYRON W. BROWN
MAYOR

KARLA L. THOMAS
COMMISSIONER

October 13, 2010

*COSTS FOR ADMINISTRATION
OF CIVIL SERVICE EXAMS*

Gerald A. Chwalinski
City Clerk
Registrar of Vital Statistics
1308 City Hall

Dear Mr. Chwalinski:

In response to the request from the Finance Committee, attached are itemized breakdowns for costs related to the administration of Civil Service examinations and selection processes. The following itemized breakdowns are attached:

POLICE OFFICER SELECTION PROCESS

- I/O Solutions – Written Examination \$75,000.00
- Travers Collins & Company – Marketing/Recruitment \$85,000.00
- Law Enforcement Psych. Associates – Psychological \$150,000.00

DETECTIVE SERGEANT SELECTION PROCESS

- I/O Solutions – Written Exam and Assessment Center \$45,000.00

TOTAL COST: \$355,000.00

Please feel free to contact me or Olivia Licata, Administrative Director of Civil Service, with any questions.

Thank you for your assistance in this matter.

Sincerely,

Karla L. Thomas
Commissioner of Human Resources

RECEIVED AND FILED

cc: Hon. Richard A. Fontana, Lovejoy District Councilmember
Hon. Michael P. Kearns, South District Councilmember
Ms. Olivia A. Licata, Administrative Director of Civil Service

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2010-2011 Entry-Level Police Testing for the City of Buffalo

I/O Solutions is interested in assisting the City of Buffalo in designing a fair and valid testing process that will enable the city to disengage from court supervision. In this vein, we are proposing that the city design a written examination that is parallel in form to 2007 entry-level examination as well as consider using I/O Solution's Integrity Inventory exam. The Integrity Inventory assesses counter-productive workplace behaviors and is able to screen out a large proportion of candidates while exhibiting no standardized mean difference between majority and minority group members (i.e., in recent uses of this exam, the exam has displayed no difference in selection ratios - in other words no disparate impact between protected classes). We have substantially reduced the cost of the Integrity Inventory and will conduct a validity transportability study to facilitate the City's use of this tool.

Rate Schedule	
Classification	Rate/Hour
Consultant/Industrial Psychologist	\$225
Technical Writer	\$50
Administrative Assistant	\$20

Project Step	Consult Hrs.	Tech. Wrtr. Hrs	Admin. Hrs.	Cost
Update job analysis results based on an SME review and revision workshop	10			\$2,250
Create a new, content-parallel form of the entry-level examination	28	40		\$8,300
Conduct predictive validation study using data from officers hired in past year to support test validity	18	4	8	\$4,410
Conduct a transportability study to demonstrate the validity of I/O Solutions' Integrity Inventory test				N/A
Exam administration planning and support	10			\$2,250
Update oral interview questions	24	4		\$5,600
Administer written examination	14		8	\$3,310
Exam scanning, scoring and analysis	18		20	\$4,450
Custom police officer exam booklet printing/shipping 3000 booklets @ \$4				\$12,000
Provide I/O's Integrity Inventory test and related scoring services (3000 @ \$19; discounted to 3000 @ \$4)				\$12,000
Train raters to administer/rate oral interview	12			\$2,700
Technical report supplement containing documentation of 2010 revision and validation work	16			\$3,600
Optional candidate orientation workshop (1 session)	8			\$1,800
Post test consultation	24			\$5,400
Consultant travel expenses				\$3,600
TOTAL COST				\$71,670

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ESTIMATED PRICING SCHEDULE**LAW ENFORCEMENT PSYCHOLOGICAL ASSOCIATES (LEPA)***Estimate of 250 candidates to be processed***PROJECT STAGE ADMINISTRATION**

Attribute Identification	\$3,400.00
Test Selection	\$3,600.00
Interview Construction	\$2,000.00
Sub-Total	\$9,000.00

TEST MATERIALS

Test	Cost/Cand.	# of Cands.	Total
MMPI-2	\$45.00	250	\$11,250.00
IPI	\$40.00	250	\$10,000.00
CPI	\$25.00	250	\$6,250.00
LEPA-BHQ	\$20.00	250	\$5,000.00
SCID-II	\$15.00	250	\$3,750.00
Sub-Total			\$36,250.00

ADMINISTRATIVE COSTS (DAILY)

Item	Cost/Day	# of Days	Total
Tests Administered by Ph.D.	\$1,000.00	10	\$10,000.00
Tests Admin. by LEPA Proctor	\$300.00	10	\$3,000.00
Tests Admin. by Add'l. LEPA Proctor	\$300.00	10	\$3,000.00
Sub-Total			\$16,000.00

ADMINISTRATIVE COSTS (HOURLY)

Item	Cost/Hour	# of Hours	Total
Meetings with Command Staff	\$200.00	40	\$8,000.00
Appearances at Civil Service	\$200.00	40	\$8,000.00
Secondary Review of Information	\$200.00	40	\$8,000.00
Consultation	\$200.00	40	\$8,000.00
Secretarial Services	\$38.00	40	\$1,520.00
Sub-Total			\$33,520.00

ADMINISTRATIVE COSTS (PER CANDIDATE)

Item	Cost/Cand/	# of Cands.	Total
Interview, Analysis & Report	\$200.00	250	\$50,000.00
Sub-Total			\$50,000.00

TOTAL COST ESTIMATE

Project Stage Administration	\$9,000.00
Test Materials	\$36,250.00
Administrative Costs (Daily)	\$16,000.00
Administrative Costs (Hourly)	\$33,520.00
Administrative Costs (Per Candidate)	\$50,000.00
TOTAL	\$144,770.00

COST PROPOSAL

The costs involved in each project stage, e.g., Attribute Identification, Test Selection and Interview Construction, could range from virtually nothing, if the City were to use the materials that we have suggested and that we have used extensively in the past. However, if the City wants to make changes in the standard evaluations that we have used, then the costs can range as listed below.

Project Stage	Estimated Costs
Attribute Identification	\$1,000 to \$3,400
Test Selection	\$400 to \$3,600
Interview Construction	\$400 to \$2,000
Total estimates for all three stages.	\$1,800 to \$9,000

Pricing Schedule – Cost per candidate in all categories with noted exceptions

Test Materials (per candidate):	Cost	Category
Minnesota Multiphasic Personality Inventory-2	\$45.00	Per test
Inwald Personality Inventory	\$40.00	Per test
CPI-Roberts Police and Public Safety Report	\$25.00	Per test
LEPA-BHQ	\$20.00	Per test
SCID-II	\$15.00	Per test
Above tests administered by a Ph.D. psychologist	\$1000.00	Per day
Above tests proctored by City personnel	No Charge	
Above tests proctored by LEPA proctor	\$300.00	Per day each
Interview, analysis and written report	\$200.00	Per candidate
Meetings with command staff to review findings	\$200.00	Per hour
Appearance at Civil Service Commission	\$200.00	Per hour
Court Testimony	\$250.00	Per hour
Secondary Review of candidate based on additional information	\$200.00	Per hour
Consultation time	\$200	Per hour
Secretarial services	\$38	Per hour
No show charge for missed interviews	\$75	Per hour
Packaging, mailing and delivery charges	Cost	
Service charge for late payment	15%	APR

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Budgetary Estimate – Per Campaign

Total proposed budget \$85,000*

Paid advertising \$40,000

Outdoor

3 – 14' X 48' Vinyls

25 – 12' X 25' Poster

Minority Publications \$10,500

1. *The Challenger* – 2-full page, 4-quarter page

2. *The Criterion* – 2-full page, 4-quarter page

3. *La Ultima Hora* – 2-full page

4. *Panorama Hispano* – 2-full page

Interactive \$4,000

Creative Development/Production/Printing** \$21,500***

Project Management/Publicity \$9,000***

- Client contact/meetings
- Plan development/execution
- Outreach to community church leadership to engage support
- Identify locations/poster distribution
- Press Conference Launch Event
- Social media execution and monitoring
- On-going Media Relations
 - 1. Media Training
 - 2. Interview placement/story pitches during campaign

* Depending on final budget we would be willing to work with local radio stations to secure placement for no charge radio ads as a public service tactic.

** Does not include new photography. Printing costs based on outdoor boards and posters only.

*** Rates are discounted 15% as a courtesy

Hourly Discounted Rates

Account Service	\$100/hour
Creative Service	\$120/hour
Production	\$100/hour
Account Administration	\$75/hour

Buffalo Detective Sergeant Assessment

Rate Schedule	
Classification	Rate/Hour
Consultant/Industrial Psychologist	\$175
Technical Writer	\$65
Administrative Assistant	\$25

Project Step	Consult Hrs.	Tech. Wrtr. Hrs.	Admin. Hrs.	Cost
Updating of job analysis for Detective Sgt. rank	8			\$1,400
Development of 100-item, multiple choice written examination	11	45		\$4,850
Development of 3-exercise assessment center based on subject matter expert input	32	2		\$5,730
Development of video-based candidate orientation	6			\$1,050
Administration of written examination	6			\$1,050
Recruitment of assessors and coordination of assessor travel (estimated 7 assessors)	8		20	\$1,900
Administration of the assessment center (one day of assessor training followed by three days of assessment) - expected 98 eligible candidates	32		32	\$6,400
Compilation of candidate scores and development of candidate feedback reports	3		10	\$775
Provision of project technical report	16			\$2,800
Actor/role-play fees				\$1,300
Assessor and Consultant travel expenses				\$16,180
TOTAL COST				\$43,435

*Invoicing schedule:

1/3 upon project commencement, 1/3 upon administration of written exam, and 1/3 upon delivery of candidate scores.

**Cost of administration of the assessment center will not exceed \$6400, and will be prorated if less than four total days.



Common Council

Legislative Staff

City of Buffalo, NY

138
Chief of Staff
James S. Pajak
Senior Legislative Assistant IV
Kevin M. Linder
Senior Legislative Assistants
Mark J. Jaskula
William B. Licata
Julia A. Paul
Melissa Sanchez
Richard Wall
Legislative Aide
James N. Jackson

OCT12*10 15:19 118BCSC

October 12, 2010

Commissioner Karla L. Thomas
Human Resources Department
1007 City Hall
Buffalo, NY 14202

Dear Commissioner Thomas:

At the Finance Committee Meeting held on Tuesday, October 12, 2010, item (Res 75 Oct 5) Transfer of Funds-HR was sent **Without Recommendation**, to the Common Council for their meeting of October 19, 2010. This action was taken pending a response from the Human Resources Department to questions raised during the Finance Committee Meeting.

Please review the enclosed item and furnish an itemized report with a complete breakdown of all the costs associated with the referenced item, including a breakdown of the \$85,000 in advertising costs.

Please file your response with the City Clerk, 1308 City Hall, by 2:00 PM Thursday, October 14, 2010 with a courtesy copy sent to Richard A. Fontana, Majority Leader / Lovejoy District Common Council Member. If you are unable to respond by the due date, the matter will be recommitted to the Finance Committee to give you sufficient time to respond to the questions cited herein

If you have any questions or need further information, please contact me at 851-4361.

Thank you in advance for your anticipated cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "William B. Licata".

William B. Licata
Sr. Legislative Assistant

CC: Nicholas Heidinger
Richard Fontana, Majority Leader, Lovejoy District Council Member
Michael Kearns Chairman of Finance Committee, South District Council Member

FIN 139
OCT 05 2010

By: Mr. Kearns

Transfer of Funds

**PFRS Pension
Human Resources**

That pursuant to §20-12 of the Charter and the Certificate of the Mayor and the Comptroller submitted to the Common Council, the sum of **\$355,000** be and the same is hereby transferred and reappropriated from the Police and Fire Pension to the Department of Human Resources, as set forth below:

From:

Police and Fire Retirement System
17303002-423002 PFRS Pension

\$355,000

To:

Human Resources
12554006-432004 Engineering and Technical
12554006-454000 Advertising

\$270,000

\$ 85,000

53
775
~~52~~

140
Estrich, Donna

To: Estrich, Donna
Subject: FW: Contracts

From: Licata, Olivia
Sent: Tuesday, September 14, 2010 1:26 PM
To: Estrich, Donna
Cc: Penksa, Janet; Thomas, Karla
Subject: Contracts

Hi Donna:

As was previously discussed, we are moving forward with the contracts for the following and request that money be allocated for processing:

Entrance-level Police Officer Exam

I/O Solutions Exam Contract **\$75,000**

Travers Collins Recruitment/Advertising Contract **\$85,000**

Law Enforcement Psychological Assoc./Dr. Jay Supnick **\$150,000**

Detective Sergeant

I/O Solutions Exam Contract **\$45,000**

Thanks,
Olivia

Attachment

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FROM THE ZONING BOARD OF APPEALS

October 19, 2010

00034

ZONING BOARD OF APPEALS

65 Niagara Square, 901 City Hall • Buffalo, NY 14202-3318

Phone: (716) 851-4942 • Fax: (716) 851-4388

CITY OF BUFFALO
NEW YORK



148
BYRON W. BROWN
MAYOR

September 30, 2010

**RE: SEQRA Findings Statements for the Multi-Modal Transportation Structure at
134 HIGH STREET - North End Development**

APPLICATION: #157846

To all Involved and Interested Agencies:

Pursuant to the New York State Environmental Quality Review Act (SEQRA), enclosed please find a copy of the City of Buffalo Zoning Board of Appeals Findings Statement for the recently approved Multi-Modal Transportation structure height variance at premises **134 HIGH STREET**.

If you should have any questions, concerns or a need any further assistance with this project please feel free to contact me at 851-5082.

Very truly yours,

Thomas A. Chwalinski – Executive Secretary
ZONING BOARD OF APPEALS

cc: File

RECEIVED AND FILED

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TCT

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**State Environmental Quality Review Act
Findings Statement
Findings to Approve**

Pursuant to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law and 6 NYCRR Part 617, the City of Buffalo Zoning Board of Appeals ("ZBA") makes the following findings.

Name of Action: Buffalo Niagara Medical Campus – North End Development
Multi-Modal Transportation Structure

Applicants: Kaleida Health and 134 High Street, LLC

SEQRA Status: Type 1, Positive Declaration

Description of Action: The Applicants are proposing to construct an approximately 1,800 space Multi-Modal Transportation Structure ("MMTS") at the north-west corner of High Street and Michigan Avenue, Buffalo, New York.

Project Site: 134 High Street, Buffalo, New York

Lead Agency: City of Buffalo Planning Board

Agency Jurisdiction: Pursuant to §511-146 of the Charter and Code of the City of Buffalo ("Code") and New York General City Law §81-b, the City of Buffalo ZBA has jurisdiction to consider variances from requirements of the City of Buffalo Zoning Code. Here, the Applicants are seeking an Area Variance from the height limitation found in §511-41 of the Code. The proposed height of the MMTS is 83'± and the City of Buffalo Zoning Code limits the height to 66' (based upon the distance from the structure to the opposite side of Michigan Avenue).

Date Final Generic Environmental Impact Statement Accepted: January 14, 2009

Date of Lead Agency's Findings Statement: January 27, 2009

Contact: William P. Grillo
City of Buffalo Office of Strategic Planning
901 City Hall
Buffalo, New York 14202
Phone: (716) 851-5086

Facts and Conclusions Relied on to Support the Decision:

Kaleida Health, Ciminelli Development and the Buffalo Niagara Medical Campus submitted various applications to the City of Buffalo (City) associated with the BNMC-North End Projects. SEQRA requires state or local governments to assess the potential environmental impacts of their actions during the planning, review, and decision-making processes for those actions. The public (City, County and State) approvals and permits required for the individual BNMC – North End Projects constitute the “Action” subject to SEQRA. The intent of SEQRA is to ensure that governmental decision-making is a balance of social, economic, and environmental factors be considered and weighed in reaching decisions on proposed activities or actions. Therefore, Agencies must determine whether a proposed action may have a significant effect on the environment, and if so, prepare or request that an environmental impact statement be prepared.

Pursuant to SEQRA, the City of Buffalo Planning Board (“Planning Board”) determined that the Action was a Type I Action and sought and received concurrence from other Involved and Interested Agencies to be the Lead Agency. Then, on September 23, 2008, the Planning Board determined that cumulatively, the Projects may have a significant impact upon the environment and issued a Positive Declaration, requiring the Project Sponsors to prepare a DGEIS in accordance with the Planning Board-approved Scope.

The Project Sponsors prepared and submitted the DGEIS to the Planning Board for review. On October 7, 2008, the Planning Board found the DGEIS to be in compliance with 6 NYCRR Part 617.9(b), and made a determination that it was adequate to begin public and agency review. The DGEIS was provided to all Involved and Interested Agencies, including the ZBA and to the public at various repositories and on the City of Buffalo’s website. The subsequent public comment period began on October 7, 2008 and concluded on November 18, 2008. A public hearing on the DGEIS was held at the Buffalo & Erie County Public Library on November 6, 2008.

Input from the public review process was received in the form of written comments to the Planning Board throughout the public comment period and as oral/written comments received during the public hearing. The Planning Board determined that all the comments should be addressed in the form of a FGEIS. After reviewing the comments, the Planning Board requested that the Project Sponsors prepare the FGEIS. Pursuant to 6 NYCRR Part 617.9(b)(8), the Planning Board reviewed the FGEIS prepared by the Applicants and determined that the FGEIS was complete on January 13, 2009. On January 15, 2009, the FGEIS was provided to all Involved and Interested Agencies, including the ZBA, and to the public at various repositories and on the City of Buffalo’s website. The FGEIS addresses specific substantive comments raised during the public comment period and discusses mitigation measures which should be used to minimize potential negative impacts from the Projects to the maximum extent practicable.

The ZBA, as an Involved Agency in this process, received and reviewed all of the documentation cited above. On August 27, 2010, the Applicants submitted a Site Plan and Area Variance Application ("Application") to the City of Buffalo Planning Board and Zoning Board of Appeals. The Application included a Letter of Intent ("LOI"), a Full Environmental Assessment Form ("FEAF") and other relevant exhibits to the Zoning Board of Appeals. The Applicants are seeking an Area Variance (for height) to accommodate the proposed design for the MMTS.

Pursuant to the State Environmental Quality Review Act, Article 8 of New York Environmental Conservation Law and 6 NYCRR Part 617 ("SEQRA"), a governmental agency is required, prior to taking action on an application, to review the potential environmental impacts of a project to assess whether the action has the potential to have significant adverse environmental impacts. The Project Sponsors prepared a Draft Generic Environmental Impact Statement ("DGEIS") and Final Generic Environmental Impact Statement ("FGEIS") for the entire North End Development on the Buffalo Niagara Medical Campus. Pursuant to the process set forth in the DGEIS, FGEIS and the Planning Board's Findings Statement, the Applicants have prepared and submitted to the ZBA the aforementioned FEAF specifically for the construction of the MMTS to assist the ZBA in reviewing potential impacts of this Project. The DGEIS and FGEIS also specifically analyzed the potential impacts of a MMTS of this size and at this location and found that the impacts were minimal. In fact, the MMTS is specifically designed to be a traffic and parking mitigation measure to help offset the impacts associated with the Global Vascular Institute, Skilled Nursing Facility and future Medical Office Building being constructed on the North End of the Buffalo Niagara Medical Campus.

As such, the proposed construction of the MMTS was fully analyzed as part of the Planning Board's SEQRA review and the ZBA has determined that the Project submitted as part of this Application is consistent with the analysis and findings of the Planning Board in its original Findings Statement dated January 27, 2009.

CONCLUSION

After evaluating the cumulative environmental, economic, and social impacts of the proposed MMTS, and more specifically, the requested Area Variance, the City of Buffalo Zoning Board of Appeals is approving the requested Variance to accommodate the proposed design for the MMTS as the feasible, prudent and practicable alternative which best balances environmental impacts with social, economic, and other essential considerations, and that allows for mitigation of all environmental impacts to the greatest extent reasonable and practicable.

Certification to Approve:

Having considered the DGEIS, FGEIS, FEAF and the original Findings Statement, and having considered the proceedings, facts, and conclusions relied on to meet the requirements of 6 NYCRR Part 617 (State Environmental Quality Review Act [SEQRA]) the Statement of Findings certifies that:

1. The City of Buffalo Zoning Board of Appeals has considered the relevant environmental impacts, facts, and conclusions disclosed in the DGEIS, FGEIS and FEAF and their supporting materials;
2. The City of Buffalo Zoning Board of Appeals has weighed and balanced the relevant environmental impacts with social, economic, and other considerations;
3. The City of Buffalo Zoning Board of Appeals, has provided a rationale for its decision;
4. The requirements of Article 8 of the Environmental Conservation Law and the implementing regulations, 6 NYCRR Part 617 (State Environmental Quality Review Act [SEQRA]) have been met;
5. Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the actions to be carried out are those which avoid or minimize, to the maximum extent practicable, adverse environmental impacts disclosed in the DGEIS, FGEIS and FEAF; and
6. That adverse environmental impacts will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to this decision, those mitigating measures which were identified as practicable in the Planning Board's Findings Statement dated January 27, 2009.

Filing:

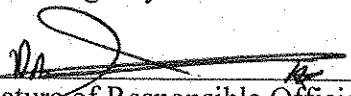
The City of Buffalo Zoning Board of Appeals' designees are hereby directed to file and distribute this Findings Statement as required by Article 8 of the Environmental Conservation Law and the implementing regulations, 6 NYCRR Part 617 (State Environmental Quality Review Act [SEQRA]).

Certification:

These findings were adopted by majority vote of the City of Buffalo Zoning Board of Appeals at a duly called meeting held on September 29, 2010.

City of Buffalo Zoning Board of Appeals

Name of Agency



Signature of Responsible Official

Rev. James A. Lewis, III

Name of Responsible Officer

Chairman

Title of Responsible Official

September 29, 2010

Date

City of Buffalo Zoning Board of Appeals, 901 City Hall, 65 Niagara Square, Buffalo, New York 14202

A copy of this notice sent to:

New York State Department of Environmental Conservation
New York State Department of Transportation
New York State Department of Health
New York State Office of Parks, Recreation and Historic Preservation
Dormitory Authority of the State of New York
New York State Office of Mental Health
New York State Office of Alcohol and Substance Abuse Services
New York State Board of Regents
State University of New York
Niagara Frontier Transportation Authority (NFTA)
Erie County Department of Environment and Planning
Erie County Department of Health
Erie County Department of Mental Health
Erie County Office of Alcohol and Substance Abuse Services
Erie County Industrial Development Agency
Emergency Services – Sheriff's Office
Environmental Management Council
City of Buffalo Department of Permit and Inspections
City Water Department
Buffalo Sewer Authority
Street Department (Dept. of Public Works)
Buffalo Fire Department
Buffalo Police Department

Buffalo Urban Renewal Agency (BURA)

City of Buffalo Common Council

City of Buffalo Zoning Board of Appeals

City of Buffalo Historic Preservation Board

Environmental Notice Bulletin (ENB) (DEC)

FROM THE BUFFALO URBAN RENEWAL AGENCY

#2 (Rev. 1/93) MULTIPLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL: DATE: October 19, 2010

FROM: DEPARTMENT: BUFFALO URBAN RENEWAL AGENCY
DIVISION: Real Estate
SUBJECT: Land Lease between BURA and Graphic Controls, LLC – 450 Exchange Street/ 479-481 Alabama
South Ellicott Phase 2 Urban Renewal Area

PRIOR COUNCIL REFERENCE:

This item is a request for the City of Buffalo Urban Renewal (hereinafter referred to as Agency) to enter into a Land Lease Agreement with Graphic Controls, LLC on 450 Exchange Street and 479-481 Alabama, located in the South Ellicott Phase 2 Urban Renewal Area.

The property, known as 450 Exchange Street and 479-481 Alabama, is a 3.78 acre lot. The Agency currently leases the property to Graphic Controls and they use it as a parking lot for their headquarters located adjacent at 400 Exchange Street.

Graphic Controls has requested that a new lease be negotiated with the Agency with an extended lease term. The term of the Lease will be five years at a monthly rental rate of \$2,000.00. Graphic Controls will have the option to extend the term of the lease through three consecutive five year extensions. Thereafter, each extension would increase \$250.00 per month. The fair rental value rates were determined based upon the current fair market value of the property as determined by KLV Group, Real Estate Appraisers and Consultants, and a rate of return of 10% for the annual rental figures. Graphic Controls will be responsible for the payment of all real property taxes and user fees assessed or charged against the property and all repair and maintenance.

Permission is therefore requested for the Agency to enter into a Land Lease with Graphic Controls, LLC, subject to Agency Legal Counsel approval as to the transactional documents.

Please be advised that in accordance with the provisions of Article 15A of the General Municipal Law, it is now necessary for your Honorable Body to set a date for a public hearing, and to direct the publication of a notice of said hearing. In the interest of time and anticipating that Your Honorable Body is

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FORM #2 – Page 2

TEXT CONTINUATION

RE: Land Lease between BURA and Graphic Controls, LLC

450 Exchange Street /479-481 Alabama

October 19, 2010

willing to expedite this matter, I have taken the liberty to prepare a Resolution together with a Notice of Public Hearing for your action.

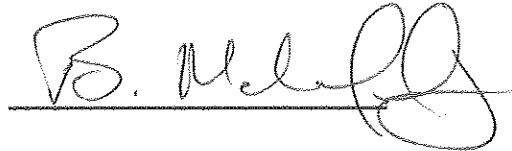
Forwarded separately are the following documents:

1. Resolution setting Public Hearing
2. Notice of Public Hearing
3. Resolution approving proposed Land Lease Agreement

After the Public Hearing is held, Your Honorable Body may adopt a Resolution authorizing the disposition of land.

REFERRED TO THE COMMITTEE ON _____

SIGNATURE OF DEPARTMENT HEAD:



DEPARTMENT HEAD NAME:

Brendan Mehaffy

TITLE:

Vice Chairman

REFERRED TO THE COMMITTEE
ON COMMUNITY DEVELOPMENT.

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FROM THE CITY CLERK

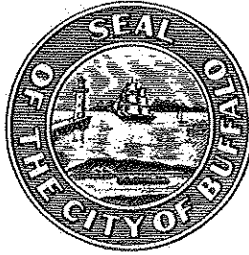
October 19, 2010

OFFICE OF THE CITY CLERK

GERALD A. CHWALINSKI
City Clerk
Registrar of Vital Statistics

WILMER OLIVENCIA, JR.
Deputy City Clerk

DIANA RICO
Deputy City Clerk Vital Statistics
Deputy Registrar of Vital Statistics



65 NIAGARA SQUARE
ROOM 1308 CITY HALL
BUFFALO, NEW YORK 14202
PHONE: (716) 851-5431
FAX: (716) 851-4845

October 4, 2010

Jane Witthohn
Tag Town
1107 Claryville Road
P.O. Box 60
Claryville New York 12428

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RESPONSE TO
DOG LICENSING SERVICES

Dear Ms. Witthohn:

Thank you for your letter dated September 20, 2010 whereby you inform our department of the services you offer as a NYS business owner with reference to the dog licensing process.

The City Clerk's office has always internally maintained our own recording keeping process via our MIS department and any notices for expired licenses are addressed via our Administrative Adjudication department.

Unfortunately, with reference to the dog tag process, we are required to send this process out for bid and have already chosen a vendor.

Again, we genuinely appreciate the services you offer, however, we have finalized all of the details involved in transitioning to provide the services that NYS Agriculture and Markets will no longer provide.

We will keep your information on file should we have any future needs for the valuable services you provide.

Sincerely,

A handwritten signature in cursive script that reads "Gerald Chwalinski".

Gerald Chwalinski
City Clerk

GC/mc

RECEIVED AND FILED

32

00037

155

No.

Liquor License Applications

Attached hereto are communications from persons applying for liquor licenses from the Erie County Alcohol Beverage Control Board.

Address	Business Name	Owner's Name
245 Allen St 69 W. Chippewa St	Calumet Arts Cafe Bottoms Up	Mark Goldman Bottoms Up LLC

RECEIVED AND FILED

October 19, 2010

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STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized **ALTERATION APPLICATION NOTICE FORM** for Providing a
30-Day Advance Notice to a Local Municipality or Community Board
in connection with the submission to the State Liquor Authority of the
Application for Permission to Make Alterations
for the Establishment Identified in this Notice

1.	Date the Original copy of this Notice was Mailed to the Local Municipality or Community Board:		10062010	
THIS 30-DAY ADVANCE NOTICE IS BEING MAILED TO THE CLERK OF THE FOLLOWING LOCAL MUNICIPALITY OR COMMUNITY BOARD:				
2.	Name of the Local Municipality or Community Board: CITY OF BUFFALO / City Clerk			
3.	Street Address of Local Municipality or Community Board: CITY HALL			
4.	City, Town or Village: BUFFALO		NY	Zip Code: 14202
5.	Telephone Number of Clerk of Local Municipality or Community Board: 851-4200		716-851-4200	
APPLICANT INFORMATION				
6.	Applicant's Full Name as it Appears on the License Certificate: CALUMET ARTS CAFE			License Serial No. 3180369
7.	Street Address of Premises: 245 ALLEN ST	City, Town or Village-Zip Code: BUFFALO 14201	County: ERIE	Telephone No. 882-8843
8.	Type(s) of Alcohol Currently Sold under the License: ("X" one) <input type="checkbox"/> Beer Only <input type="checkbox"/> Wine and Beer Only <input checked="" type="checkbox"/> Liquor, Wine and Beer			
PROPOSED CHANGES/ALTERATIONS				
9.	<input type="checkbox"/> Substantial Alteration: Any enlargement or contraction of a licensed premises. Any physical changes to the exterior, that involves the creation or relocation of any window or door, and any interior changes of physical structure. Any change in size or location of bar, or dining and kitchen facilities. or <input checked="" type="checkbox"/> Minor Alteration: One costing and valued at less than ten thousand dollars, which does not affect the material character or physical structure that existed at the time of licensing.			
10.	Where will the Alteration be confined to? <input type="checkbox"/> Interior <input checked="" type="checkbox"/> Exterior <input type="checkbox"/> Interior and Exterior		If interior, will the Occupancy change? Yes or No	
11.	If Exterior, do you plan on utilizing outdoor areas? Yes or No YES		If Yes, which outdoor area? Check One <input type="checkbox"/> Rooftop <input checked="" type="checkbox"/> Patio or Deck <input type="checkbox"/> Freestanding Covered Structure <input type="checkbox"/> Garden/Grounds <input type="checkbox"/> Other	
12.	Is a Building Permit required for this type of Alteration? Yes or No YES		If so, has permit been applied for? Yes or No YES + RECEIVED	
13.	Will any entrance or exit of premises as altered be within 200' of the entrance to a school, church or synagogue or other place of worship? Yes or No NO		Will there be a change of address upon completion of Alterations? Yes or No NO	
14.	Are there any known limitations by the County or Municipality for this type of Alteration? Yes or No NO		Is so, what are they?	
ATTORNEY OR REPRESENTATIVE REPRESENTING THE APPLICANT IN CONNECTION WITH THE APPLICANT'S ALTERATION APPLICATION FOR THE ESTABLISHMENT IDENTIFIED IN THIS NOTICE				
15.	Attorney's Full Name is: JOSEPH SHAW			
16.	Attorney's Street Address: 4819 PARK SO. PARK AVE	City, Town or Village: HAMBURG NY	Business Telephone Number: 648-3020	

I am the Person who holds the license or I am a Principal of the Legal Entity that will hold the License. Representations in this form are in full conformity with representations made in documents that have been submitted (or documents that will be submitted) to the State Liquor Authority and relied upon by the Authority. I understand that representations made in this form will also be relied upon by the Authority and that false representations in any document submitted to the Authority may result in revocation of any license that may be issued. By my signature, I affirm-under Penalty of Perjury-that the representations made in this form are true.		
Printed Name MARK GOLDMAN	Title OWNER	Signature Mark Goldman



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized **ORIGINAL APPLICATION NOTICE FORM** for Providing a
30-Day Advance Notice to a **Local Municipality or Community Board**
in connection with the submission to the State Liquor Authority of the
Applicant's Original (First) On-Premises Alcoholic Beverage License Application
for the Establishment Identified in this Notice (Page 1 of 2)

1.	Date the Original copy of this Notice was Mailed to the Local Municipality or Community Board:		Month	Day	Year	2	0	1	0
THIS 30-DAY ADVANCE NOTICE IS BEING MAILED TO THE CLERK OF THE FOLLOWING LOCAL MUNICIPALITY OR COMMUNITY BOARD									
2.	Name of the Local Municipality or Community Board:		CITY OF BUFFALO						
3.	Street Address of Local Municipality or Community Board:		1308 CITY HALL						
4.	City, Town, or Village:		BUFFALO				NY	Zip Code: 14202	
5.	Telephone Number of Clerk of Local Municipality or Community Board:		716-851-5431						
ATTORNEY REPRESENTING THE APPLICANT IN CONNECTION WITH THE APPLICANT'S ORIGINAL (FIRST) ON-PREMISES ALCOHOLIC BEVERAGE LICENSE APPLICATION FOR THE ESTABLISHMENT IDENTIFIED IN THIS NOTICE									
6.	Attorney's Full Name is:		DAVID A. DIZAK						
7.	Attorney's Street Address:		100 BARLOW AVE.						
8.	City, Town, or Village:		BUFFALO				NY	Zip Code: 14218	
9.	Business Telephone Number of Attorney:		716-270-7118						
THE APPLICANT WILL FILE AN ORIGINAL (FIRST) APPLICATION FOR AN ON-PREMISES ALCOHOLIC BEVERAGE LICENSE IN ORDER TO CONDUCT - WITHIN THE IDENTIFIED ESTABLISHMENT - THE TYPE OF BUSINESS DESCRIBED BELOW									
10.	Type(s) of Alcohol to be sold under the License (*X one):		<input type="checkbox"/> Beer Only <input type="checkbox"/> Wine and Beer Only <input checked="" type="checkbox"/> Liquor, Wine, and Beer						
11.	Extent of Food Service: (*X one)		<input type="checkbox"/> Restaurant (Sale of Food Primarily; Full Food Menu; Kitchen run by Chef) <input type="checkbox"/> Tavern-Restaurant (A mixed-use establishment that has both a sit-down dining area and a "stand-up" bar where patrons may receive direct deliveries of alcohol) <input checked="" type="checkbox"/> Tavern / Cocktail Lounge / Adult Venue / Bar (Alcohol sales primarily - meets legal minimum food availability requirements)						
12.	Type of Establishment:		<input type="checkbox"/> Hotel <input checked="" type="checkbox"/> Live Music <input checked="" type="checkbox"/> Disk Jockey <input type="checkbox"/> Juke Box <input type="checkbox"/> Patron Dancing (Small Scale) <input type="checkbox"/> Cabaret, Night Club, Discotheque (Large Scale Dance Club) <input type="checkbox"/> Capacity for 600 or more patrons						
(*X all that apply)		<input type="checkbox"/> Club (e.g. Golf / Fraternal Org.) <input type="checkbox"/> Bed & Breakfast <input type="checkbox"/> Catering Facility <input type="checkbox"/> Stage Shows <input type="checkbox"/> Topless Entertainment <input type="checkbox"/> Other (Specify):							
13.	Proposed Outdoor Area(s):		<input type="checkbox"/> None <input type="checkbox"/> Rooftop <input checked="" type="checkbox"/> Patio or Deck <input type="checkbox"/> Freestanding Covered Structure <input type="checkbox"/> Garden / Grounds <input type="checkbox"/> Other (Specify):						
14.	Will the proposed License Holder or a Manager be physically present within the establishment during All Hours of Operation? (*X one):		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO						
15.	Application Serial Number:		N/A						
16.	The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is:		BOTTOMS UP V, LLC						
17.	The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is:		BOTTOMS UP						
18.	The Applicant's proposed Licensed Establishment is located within the building which has the following Street Address:		69 WEST CHIPPEWA ST						
19.	City, Town, or Village:		BUFFALO				NY	Zip Code: 14202	
20.	The proposed Licensed Establishment will be located on the following floor(s) of the building at the above address:		FIRST FLOOR + BASEMENT						
21.	Within the building at the above address, the proposed Licensed Establishment will be located within the room(s) numbered as follows:								
22.	Business Telephone Number of the Applicant:		716-510-6438						
23.	Business Fax Number of the Applicant:								
24.	Business E-Mail Address of the Applicant:								
25.	IF YOU KNOW - Was there ever an alcoholic beverage license in effect for the space where you intend to operate your licensed establishment?		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> I Don't Know <input type="checkbox"/>						
OWNER OF THE BUILDING IN WHICH THE PROPOSED LICENSED ESTABLISHMENT WILL BE LOCATED									
26.	Does the Applicant own the building in which the proposed Licensed Establishment will be located? (*X one)		Yes <input type="checkbox"/> If "YES", SKIP items No. 27, 28, 29, & 30 Go directly to Item No. 31, and complete the form. No <input checked="" type="checkbox"/> If "NO", ANSWER items No. 27, 28, 29, & 30. Then continue to Item No. 31, and complete the form.						
28.	Building Owner's Full Name is:		CHIPPEWA DEVELOPMENT INC						
29.	Building Owner's Street Address:		75 WEST CHIPPEWA STREET						
29.	City, Town, or Village:		BUFFALO				NY	Zip Code: 14202	
30.	Business Telephone Number of Building Owner:		716-853-5555						



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized **ORIGINAL APPLICATION NOTICE FORM** for Providing a
30-Day Advance Notice to a Local Municipality or Community Board
in connection with the submission to the State Liquor Authority of the
Applicant's Original (First) On-Premises Alcoholic Beverage License Application
for the Establishment Identified in this Notice (Page 2 of 2)

IN ORDER TO MAKE SURE THAT PAGES 1 AND 2 OF YOUR NOTICE ARE NOT SEPARATED OR MISPLACED,
PLEASE RE-ENTER IMMEDIATELY BELOW THE INFORMATION REGARDING YOUR APPLICATION SERIAL NUMBER, NAME, AND TRADE NAME.
YOUR COURTESIES ARE APPRECIATED

15.	Application Serial Number:	N/A
16.	The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is:	BOTTOMS UP V.L.L.C.
17.	The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is:	BOTTOMS UP

INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT IS CURRENTLY BEING OPERATED IN THE SPACE WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT

31.	IF YOU KNOW - Is a business that is licensed to sell alcoholic beverages currently being conducted in the space where you intend to operate your licensed establishment?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	I Don't Know <input type="checkbox"/>
32.	Are you buying any asset(s) owned by the operator of the licensed business currently being conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	

IF YOU ANSWERED "YES" TO ITEM 31 or 32, SKIP ITEMS NO. 33 and 34. GO DIRECTLY TO ITEMS NO. 35, 36, 37, 38, 38, and 39.
IF YOU ANSWERED "NO" TO ITEMS 31 and 32, PLEASE PROVIDE THE INFORMATION REQUESTED BY ITEMS NO. 33 and 34.

IF A BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES IS NOT CURRENTLY BEING OPERATED IN THE SPACE WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT, PLEASE PROVIDE INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT WAS MOST RECENTLY OPERATED IN THE SPACE

33.	IF YOU KNOW - Was a business that was licensed to sell alcoholic beverages previously conducted in the space where you intend to operate your licensed establishment?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	I Don't Know <input type="checkbox"/>
	Are you buying any asset(s) owned by the operator of the licensed business that was most recently conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

IF YOU ANSWERED "YES" TO ITEM NO. 31 or 32 or 33 or 34, THEN PLEASE ANSWER ITEMS NO. 35 and 36 and 37 and 38 and 39.

INFORMATION ABOUT THE OPERATOR OF THE LICENSED BUSINESS CURRENTLY BEING CONDUCTED (OR MOST RECENTLY CONDUCTED) IN THE SPACE WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS LICENSED ESTABLISHMENT. PLEASE PROVIDE THE FOLLOWING INFORMATION:

35.	IF YOU KNOW - The Full Name of the Operator of the licensed business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment:	BOTTOMS UP INC	I Don't Know <input type="checkbox"/>
36.	IF YOU KNOW - The Full Name of the licensed Establishment (the Trade Name) now being operated (or that was most recently operated) in the space where you intend to operate your licensed establishment:	BOTTOMS UP	I Don't Know <input type="checkbox"/>
37.	IF YOU KNOW - The alcoholic beverage license serial number of the business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment:	3126127	I Don't Know <input type="checkbox"/>
38.	IF YOU KNOW - The Type of Alcoholic Beverage License held by the current (or most recent) licensed operator:	ON PREM LIQUOR	I Don't Know <input type="checkbox"/>
39.	IF YOU KNOW - Telephone Number of the current licensed operator or the most recent licensed operator:	716-854-3549	I Don't Know <input type="checkbox"/>

40. If the Original Application is approved, I am the Person who will hold the License or I am a Principal of the Legal Entity that will hold the License. Representations in this form are in full conformity with representations made in documents that have been submitted (or documents that will be submitted) to the State Liquor Authority, and relied upon by the Authority. I understand that representations made in this form will be also relied upon by the Authority, and that false representations in any document submitted to the Authority may result in revocation of any license that may be issued. By my signature, I affirm - under **Penalty of Perjury** - that the representations made in this form are true.

Printed Name	Title	Signature
KEVIN M. NIGHTINGALE	LLC MEMBER	X Kevin M. Nightingale

00038

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No.

Leaves of Absence Without Pay

I transmit herewith notifications received by me, reporting the granting of the leaves of absence without pay, in the various departments as listed:

Mayor/Mayor Executive-

Comptroller-

Common Council-

Assessment and Taxation-

Public Works, Streets & Parks-

Police-

Fire-

Corporation Counsel-

Community Services-

Economic Development & Permit and Inspection Services-

x Management Information Systems Richelle Edwards

Administration, Finance & Urban Affairs-

Human Resources-

Civil Service Commission-

RECEIVED AND FILED.

October 19, 2010

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SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL:
DATE: October 8, 2010
FROM: DEPARTMENT: Management Information System
SUBJECT: [:Leave of Absence without pay
[:from permanent positions
[:
[:

PRIOR COUNCIL REFERENCE: (IF ANY)
Ex. (Item No. xxx, C.C.P. xx/xx/xx)

Please be advised that Richele Edwards, an employee of Management Information Systems, is being granted a leave of absence – October 25, 2010-until she fulfills her probationary status in the Board of Education.

SIGNATURE



DEPARTMENT HEAD TITLE : Raj Mehta
Director of MIS

00039

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No.

Reports of Attendance

I transmit herewith communications received by me, from the various boards, commissions, agencies and authorities reporting the membership attendance at their respective meetings:

- Board of Ethics
 - Records Management Board
 - Board of Parking
 - Board of Stadium and Auditorium
 - X Buffalo Sewer Authority
 - City Planning Board
 - Civil Service Commission
 - Committee on Drug Abuse Services
 - Commission on Human Relations
 - Consumer Electronics Board
 - Emergency Medical Services Board
 - Examining Board of Plumbers
 - Home Improvement Advisory Board
 - Municipal Housing Authority
 - Youth Board
 - Zoning Board of Appeals
- RECEIVED AND FILED.

October 19, 2010

35

#1

SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL:

DATE October 13, 2010

FROM: DEPARTMENT BUFFALO SEWER AUTHORITY

DIVISION ADMINISTRATIVE

SUBJECT [: BOARD ATTENDANCE

[:

[:

ENTER PRIOR COUNCIL REFERENCE: (IF ANY) [:

This is to advise you that Board Members as follows were present at the Regular Meeting of the Buffalo Sewer Authority held on October 13, 2010, in Room 1038 City Hall:

Herbert L. Bellamy, Jr., Chairman
Christopher Roosevelt, Assistant Vice Chairman
John E. Kennedy, Jr., Assistant Secretary

Absent:

John D. Kennedy, Sr., Vice Chairman
Eleanor C. Wilson-DiVincenzo, Secretary

DEPARTMENT HEAD NAME: DAVID P. COMERFORD

TITLE: GENERAL MANAGER

SIGNATURE OF DEPARTMENT HEAD:



00040

163

No.

Notices of Appointments - Seasonal/Flat

I transmit herewith certificates received by me, reporting seasonal and flat salary appointments made in various departments.

RECEIVED AND FILED.

October 19, 2010

36

C
164**Certificate of Appointment**

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective:

10/5/10

in the Department of

Public Works, Parks & Streets

Division of

Parks

to the Position of

Laborer II

Permanent, Provisional, Temporary, Seasonal (Insert one)

SEASONAL

Appointment, Promotion, Non-Competitive (Insert one)

APPOINTMENT

Minimum, Intermediate, Maximum, Flat (Insert one)

FLAT

(Enter Starting Salary) : Starting Salary of:

\$11.87LAST JOB TITLE **N/A**

LAST DEPARTMENT

DATE

NAME

Robert F. Williams

ADDRESS

154 Royal Avenue

LAST SALARY

CITY & ZIP

Buffalo 14207LAST 4 DIGITS OF SSN. **XXX-XX-0838**

LAST JOB TITLE

NAME

LAST DEPARTMENT

DATE

ADDRESS

LAST SALARY

CITY & ZIP

LAST 4 DIGITS OF SSN. **XXX-XX-**

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

BUDGET ORG. CODE

14222001

TITLE CODE NO

9624

BUDGET ACCT. OBJ.

412002

PROJ. ID

PERSONNEL REQ. NO

2009-090

SALARY RANGE OF POSITION

\$11.87

PER YEAR DAY HOUR

YEAR

REASON FOR APPT. ABOVE THE MINIMUM:

NAME OF APPOINTING AUTHORITY:

Steven J. Stepniak

TITLE OF APPOINTING AUTHORITY:

Commissioner of Public Works, Parks & Streets

DATE:

09/23/2010

SIGNATURE OF APPOINTING AUTHORITY:

ORIGINAL + 3 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)

OTHER COPIES TO: #5- COMPTROLLER #6- HUMAN SERVICES/CIVIL SERVICE #7- BUDGET

#8- DEPARTMENT #9- DIVISION #10- EMPLOYEE(S)

2165

Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective:

10/4/10

in the Department of

Public Works

Division of

Engineering

to the Position of

Laborer II

Permanent, Provisional, Temporary, Seasonal (Insert one)

SEASONAL

Appointment, Promotion, Non-Competitive (Insert one)

APPOINTMENT

Minimum, Intermediate, Maximum, Flat (Insert one)

FLAT

(Enter Starting Salary) : Starting Salary of:

\$11.87

LAST JOB TITLE

LAST DEPARTMENT

LAST SALARY

DATE

NAME

ADDRESS

CITY & ZIP

Steven Tirone

355 St. Lawrence Ave.

Buffalo, NY 14216

LAST 4 DIGITS OF SSN. XXX-XX-7789

LAST JOB TITLE

LAST DEPARTMENT

LAST SALARY

DATE

NAME

ADDRESS

CITY & ZIP

LAST 4 DIGITS OF SSN. XXX-XX-

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

BUDGET ORG. CODE

13113001

BUDGET ACCT. OBJ.

412002 PROJ. ID

SALARY RANGE OF POSITION

\$11.87

TITLE CODE NO

9624

PERSONNEL REQ. NO

2009-035

PER YEAR DAY HOUR

HOUR

REASON FOR APPT. ABOVE THE MINIMUM:

NAME OF APPOINTING AUTHORITY:

Steven J. Stepniak

TITLE OF APPOINTING AUTHORITY:

Commissioner

DATE:

9/23/10

SIGNATURE OF APPOINTING AUTHORITY:

William Heindel

ORIGINAL + 3 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)

OTHER COPIES TO: #5- COMPTROLLER #6- HUMAN SERVICES/CIVIL SERVICE #7- BUDGET

#8- DEPARTMENT #9- DIVISION #10- EMPLOYEE(S)

166

Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective:

10/4/10

in the Department of

Public Works

Division of

Streets

to the Position of

Clerk

Permanent, Provisional, Temporary, Seasonal (Insert one)

SEASONAL

Appointment, Promotion, Non-Competitive (Insert one)

APPOINTMENT

Minimum, Intermediate, Maximum, Flat (Insert one)

FLAT

(Enter Starting Salary) : Starting Salary of:

\$11.87 hr.

LAST JOB TITLE

LAST DEPARTMENT

LAST SALARY

DATE

NAME

ADDRESS

CITY & ZIP

Andrew McCabe

29 Mayer Avenue

Buffalo, NY 14207

LAST 4 DIGITS OF SSN. XXX-XX-7131

LAST JOB TITLE

LAST DEPARTMENT

LAST SALARY

DATE

NAME

ADDRESS

CITY & ZIP

LAST 4 DIGITS OF SSN. XXX-XX-

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

BUDGET ORG. CODE

15030001

BUDGET ACCT. OBJ.

412002 PROJ. ID

SALARY RANGE OF POSITION

\$11.87

TITLE CODE NO

9624

PERSONNEL REQ. NO

2010-21

PER YEAR DAY HOUR

HOUR

REASON FOR APPT. ABOVE THE MINIMUM:

NAME OF APPOINTING AUTHORITY:

Steven J. Stepniak

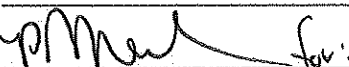
TITLE OF APPOINTING AUTHORITY:

Commissioner

DATE:

8/19/10

SIGNATURE OF APPOINTING AUTHORITY:



ORIGINAL + 3 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)

OTHER COPIES TO: #5- COMPTROLLER #6- HUMAN SERVICES/CIVIL SERVICE #7- BUDGET

#8- DEPARTMENT #9- DIVISION #10- EMPLOYEE(S)

00041

167

No.

Appointments - Temporary, Provisional or Permanent

I transmit herewith Appointments in the various departments made at the Minimum (Temporary, Provisional or Permanent) (as per contract requirements) .

REFERRED TO THE COMMITTEE ON CIVIL SERVICE.

October 19, 2010

37

Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective: **October 4, 2010**

in the Department of **Audit and Control**

Division of **Audit**

to the Position of **Junior Accountant**

Permanent, Provisional, Temporary, Seasonal (Insert one) **TEMPORARY**

Appointment, Promotion, Non-Competitive (Insert one) **APPOINTMENT**

Minimum, Intermediate, Maximum, Flat (Insert one) **MINIMUM**

(Enter Starting Salary) : Starting Salary of: **\$34,569**

LAST JOB TITLE		NAME	Elizabeth S. Krause
LAST DEPARTMENT	DATE	ADDRESS	87 Delsan Court
LAST SALARY		CITY & ZIP	Buffalo, NY 14216
LAST 4 DIGITS OF SSN.		XXX-XX-5101	

LAST JOB TITLE		NAME	
LAST DEPARTMENT	DATE	ADDRESS	
LAST SALARY		CITY & ZIP	
LAST 4 DIGITS OF SSN.		XXX-XX-	

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

BUDGET ORG. CODE	10442001	TITLE CODE NO	0500
BUDGET ACCT. OBJ.	411001	PERSONNEL REQ. NO	5106
SALARY RANGE OF POSITION	\$34,569 - \$38,517	PER YEAR DAY HOUR	YEAR

REASON FOR APPT. ABOVE THE MINIMUM:

NAME OF APPOINTING AUTHORITY: **Andrew A. SanFilippo**

TITLE OF APPOINTING AUTHORITY: **Comptroller**

DATE: _____

SIGNATURE OF APPOINTING AUTHORITY: _____

ORIGINAL + 3 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)

OTHER COPIES TO: #5- COMPTROLLER #6- HUMAN SERVICES/CIVIL SERVICE #7- BUDGET
#8- DEPARTMENT #9- DIVISION #10- EMPLOYEE(S)

Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective: **October 4, 2010**

in the Department of **Law**

Division of

to the Position of **Assistant Corporation Counsel I (Muni)**

Permanent, Provisional, Temporary, Seasonal, Exempt, Unclassified (Insert one) **PERMANENTPERMANENT**

Open-Competitive, Promotional, Non-Competitive, (Insert one) **NON-COMPETITIVEOPEN-COMPETITIVE**

Minimum, Intermediate, Maximum, Flat, Hourly (Insert one) **MINIMUM**

(Enter Starting Salary) : Starting Salary of **\$ 52,121.00**

LAST JOB TITLE		NAME	Edward Allen Betz
LAST DEPARTMENT	DATE	ADDRESS	268 Ashland Avenue, Apt. 2
LAST SALARY		CITY & ZIP	Buffalo, New York 14222
LAST 4 DIGITS OF SSN. XXX-XX-		5181	

LAST JOB TITLE		NAME	
LAST DEPARTMENT	DATE	ADDRESS	
LAST SALARY		CITY & ZIP	
LAST 4 DIGITS OF SSN. XXX-XX-			

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

BUDGET ORG. CODE	10546001	TITLE CODE NO	
BUDGET ACCT. OBJ.	411001	PERSONNEL REQ. NO	2010-38
SALARY RANGE OF POSITION	\$52,121.00 to \$61,372.00	PER YEAR DAY HOUR	YEAR

REASON FOR APPT. ABOVE THE MINIMUM:

NAME OF APPOINTING AUTHORITY: **David Rodriguez**
 TITLE OF APPOINTING AUTHORITY: **Acting Corporation Counsel**
 DATE: **October 4, 2010**

SIGNATURE OF APPOINTING AUTHORITY: 

ORIGINAL + 2 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)
 OTHER COPIES TO: #3- COMPTROLLER #4- HUMAN SERVICES/CIVIL SERVICE #5- BUDGET
 #6- DEPARTMENT #7- DIVISION #8- EMPLOYEE(S)

Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective:

10/12/10

in the Department of

Public Works

Division of

Buildings

to the Position of

Architect

Permanent, Provisional, Temporary, Seasonal (Insert one)

PROVISIONAL

Appointment, Promotion, Non-Competitive (Insert one)

APPOINTMENT

Minimum, Intermediate, Maximum, Flat (Insert one)

MINIMUM

(Enter Starting Salary) : Starting Salary of:

\$51,396

LAST JOB TITLE

LAST DEPARTMENT

LAST SALARY

DATE

NAME

ADDRESS

CITY & ZIP

Joseph Fanara Jr.

10812 Bullrush Terrace

Bradenton, FL 34202

LAST 4 DIGITS OF SSN. XXX-XX-0600

LAST JOB TITLE

LAST DEPARTMENT

LAST SALARY

DATE

NAME

ADDRESS

CITY & ZIP

LAST 4 DIGITS OF SSN. XXX-XX-

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

BUDGET ORG. CODE

13295001

BUDGET ACCT. OBJ.

411001 PROJ. ID

TITLE CODE NO

4189

SALARY RANGE OF POSITION

\$51,396-\$59,811

PERSONNEL REQ. NO

2010-32

PER YEAR DAY HOUR

YEAR

REASON FOR APPT. ABOVE THE MINIMUM:

NAME OF APPOINTING AUTHORITY:

Steven J. Stepniak

TITLE OF APPOINTING AUTHORITY:

Commissioner

DATE:

9/29/10

SIGNATURE OF APPOINTING AUTHORITY:

ORIGINAL + 3 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)
OTHER COPIES TO: #5- COMPTROLLER #6- HUMAN SERVICES/CIVIL SERVICE #7- BUDGET
#8- DEPARTMENT #9- DIVISION #10- EMPLOYEE(S)

171

NON-OFFICIAL COMMUNICATIONS, PETITIONS AND REMONSTRANCES

NON-OFFICIAL COMMUNICATIONS

172

Memorandum

To: Deputy City Clerk Gerald Chwalinski
From: Program Packaging and Development Services (PPDS) Provider
Date: October 5, 2010
Regarding: Board Packet Documents

Attached are the following documents from the Joint Schools Construction Board meeting scheduled on October 4, 2010:

1. Draft Agenda
2. Meeting Minutes from JSCB Meeting dated September 13, 2010
3. Fully Executed Phase III Application and Certificate for Payment No. 41 – August 2010
4. Fully Executed Phase IV Application and Certificate for Payment No. 26 – August 2010
5. Phase III Application and Certificate for Payment No. 42 – September 2010
6. Phase IV Application and Certificate for Payment No. 27 – September 2010
7. Phase V Application and Certificate for Payment No. 10 – September 2010
8. Program Packaging and Development Services (PPDS) Provider Update
9. Bevlar & Associates Inc. Construction Contract Monitoring and Compliance Services Monthly Report for Addendum 1 Phase III Project – August 2010
10. Bevlar & Associates Inc. Construction Contract Monitoring and Compliance Services Monthly Report for Addendum 1 Phase IV Project – August 2010
11. Inclusion Development Associates, Inc. Construction Contract Compliance Monitoring Monthly Report for Phase IV– August 2010

**REFERRED TO THE SPECIAL
COMMITTEE ON EDUCATION**

Copy available for review in the City Clerk's office

38

CONCERNS - PIPELINE OIL LEAKS

August 2010

Dear Emergency Official or Public Official:

On Monday, July 26, a 30-inch pipeline belonging to Enbridge Energy Partners, L.P. ruptured in Marshall, Michigan, releasing an estimated 819,000 gallons of crude oil into Talmadge Creek, a waterway that feeds the Kalamazoo River, and affected up to 25 miles of the Kalamazoo River.

Public safety is of the highest importance to Enbridge. We understand there are indications that area residents smelled an oil-like odor on Sunday, July 25, and called 911. However, Enbridge was not notified of a possible pipeline leak until Monday morning. **If you suspect a leak on an Enbridge pipeline, please contact us immediately at (800) 858-5253 so we can take immediate action.**

We are writing today to provide information about our plans to restart the pipeline, Line 6b, in compliance with the conditions set forth by the Office of Pipeline Safety (OPS), a department of the U.S. Department of Transportation. Line 6b, a 30-inch diameter pipeline transporting crude oil from Griffith, Ind. to Sarnia, Ontario, is part of Enbridge's Lakehead System, and supplies crude oil to refineries in Michigan, Ohio and eastern Canada and, through interconnections, to refineries in Pennsylvania. One pipeline in the Lakehead System transports batches of natural gas liquids through Michigan's Upper Peninsula and across the international board at Port Huron.

The pipeline repair was completed in accordance with government requirements; we continue to work under OPS's oversight as we prepare to bring the pipeline back into service. Activities required by the regulator to assure a safe restart of Line 6b included excavation of the pipeline at locations of similar characteristics as the leak site and a pressure test utilizing water along a 13-mile segment east of Marshall. Results of these regulatory requirements were carefully analyzed before Enbridge and the OPS determined that the pipeline could be safely placed back into service. Pending a full investigation of this incident, Line 6b will operate at reduced operating pressures.

Enbridge takes its responsibility for pipeline safety seriously, and we have an emergency response plan in place to work promptly and effectively with local emergency responders. In the event of an abnormal condition, reports or signs of a leak, Enbridge will respond swiftly to protect the safety of the public; conduct a prompt, safe and thorough repair in close cooperation with regulatory authorities; and mitigate environmental and property impacts.

Protecting people and the environment

Enbridge is committed to protecting the public and the environment; we take many preventive measures to promote safe, reliable operations of our pipelines and related facilities, including:

- *High-quality pipeline materials and anti-corrosion coatings*
- *Cathodic protection (a low-level electrical charge) to inhibit corrosion of underground pipelines*
- *Pressure testing of new and existing pipelines*
- *Sophisticated inspection tools called "smart pigs" to evaluate the condition of the pipeline on a periodic basis*
- *Preventive maintenance programs*
- *Around-the-clock surveillance of major transmission pipeline operations*
- *Frequent aerial and periodic ground surveys of the right-of-way*



Recognizing and responding to a suspected leak

If a leak were to occur, you might see, hear or smell one or more of the following:

- Pool of liquid on the ground
- Discolored snow or vegetation
- Oily sheen on water surfaces
- A roaring, blowing or hissing sound
- An unusual petroleum, skunk or rotten egg odor

Should a pipeline emergency occur, contact Enbridge immediately at (800) 858-5253 so we can take immediate action. Unprotected personnel should be cleared from the area. Only approach leak sites from upwind. Do not enter a confined space without full bunker gear, including an approved self-contained breathing apparatus. Cool fire-exposed containers with water to prevent vapor pressure buildup and rupture. Sulfur oxides and hydrogen sulfide may be released upon combustion. In the event of a pipeline emergency involving natural gas liquids, evacuate all unnecessary personnel and use an approved self-contained breathing apparatus. Keep surrounding surfaces cool with a water fog or spray.

- If responding to the report of a suspected leak, approach the area from upwind if possible.
- Keep traffic away and secure the area.
- From a safe area, call the toll-free Enbridge emergency number.
- Avoid contact with pipeline contents and associated vapors.

Crude oil is highly flammable and gives off vapors that are heavier than air; these vapors can travel to a source of ignition and cause flash fires. Crude oil may contain variable amounts of several elements, including hydrocarbons, benzene, nitrogen compounds, sulfur compounds and oxygenated compounds.

Pipeline markers

The general location of an Enbridge pipeline in your community can be determined by identifying the pipeline markers. Please note that markers you will see along our right-of-way will display the following information, which includes a toll-free number to be used in the event of a pipeline emergency:

Warning
Petroleum Pipeline
Enbridge
Call Toll Free
1-800-858-5253

Thank you for taking a few moments to review this important information. Should you have any questions about our pipelines, pipeline rights-of-way or other operations in your community, please visit us online at enbridgeUS.com or contact us by email at USpublicawareness@enbridge.com.

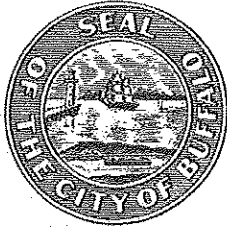
Sincerely,

Tom Fridel
General Manager, Chicago Region

Mark Willoughby
General Manager, Superior Region

RECEIVED AND FILED

2010 OCT - 7 AM 10:37
FILED
CITY CLERK



00044

Common Council

City of Buffalo

LEGISLATIVE ASSISTANTS

TIMOTHY VON DER EMTEN

SANDRA BATTEL

COMMITTEES

COMMUNITY DEVELOPMENT

LEGISLATION

MBEC

WATERFRONT

JOSEPH GOLOMBEK, JR.
NORTH DISTRICT COUNCIL MEMBER
65 NIAGARA SQUARE, 1502 City Hall
BUFFALO, NY 14202-3318
PHONE: (716) 851-5116

NEWS
ARTICLE -

BIG SCREEN MYSTERY

October 7, 2010

Gerald Chwalinski
City Clerk
Rm. 1308 City Hall
Buffalo, NY 14202

Dear Gerald,

I ask that you please file the enclosed Buffalo News article, "Lawmakers try to solve big screen mystery" for the Common Council meeting slated to be held on October 19, 2010. I thank you for your time and attention to this matter.

Sincerely,

Joseph Golombek Jr.
North District Council Member

Enclosure (1)

9JG/tjv

REFERRED TO THE SPECIAL COMMITTEE ON BUDGET AND
THE PRESERVATION BOARD

174

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BuffaloNews.com

Last update: October 3, 2010, 6:39 AM



67°

[ForecastRadar](#)

Lawmakers try to solve big screen mystery

By **Brian Meyer**

Published: October 3, 2010, 12:00 AM

Updated: October 3, 2010, 6:39 AM

Call it the big screen skirmish.

When a giant video projection screen appeared on the wall of Buffalo's Common Council Chambers, replacing the city flag, some lawmakers were baffled.

They complained that no one had informed them that a 10-by-24-foot muslin screen was to be erected and used to project meeting agendas on the wall during public sessions.

"I feel like I'm at a football game," Niagara Council Member David A. Rivera grumbled.

Some questioned how much money the city spent purchasing the screen, a jumbo projector and other audiovisual equipment.

When a local preservationist showed up for a meeting on an unrelated issue, he didn't hide his disdain for the alteration in one of the region's most recognized and visited architectural landmarks.

"Something like this does detract from the chamber," said Timothy A. Tielman, executive director of the Campaign for Greater Buffalo History, Architecture and Culture. "This is one of Buffalo's most remarkable public spaces."

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Buffalo's Preservation Board was asked to look into the matter and determine whether the Council has the right to radically alter the look of a chamber that is in a designated landmark.

But only moments after the meeting where critics challenged the screen's conspicuous presence ended, it disappeared.

For two days, no one seemed to know where it went or who took it down. Staffers couldn't find it in any storage areas near Council Chambers, while others pretended that the screen was a figment of people's imaginations.

"Have they found it yet?" some city employees asked with smiles.

"What screen? There was a screen?" joked South Council Member Michael P. Kearns, alluding to some people's wishes that the issue had never popped up.

The mystery was cracked later in the week. The screen was found folded up in an office one floor above Chambers.

Meanwhile, lawmakers asked Council Chief of Staff James Pajak to explain who authorized the purchase and installation of the audiovisual equipment. Pajak declined to comment until he could review the issue.

North Council Member Joseph Golombek Jr. is questioning the Council's decision to spend money for audiovisual equipment when the city's Telecommunications Office has made large investments in such apparatus.

Golombek's office said its review of invoices found that the Council has spent more than \$30,000 on everything from video projectors and digital cameras to sound recording equipment. He asked the Council's Finance Committee to look into the spending. The purchases were made from money set aside in the City Clerk's office, but some lawmakers said they don't know how the spending was authorized.

As for the controversial screen, no one is sure what its future will hold.

Some Council members said they understand the good intentions of trying to make sure that people who attend meetings can easily follow agendas.

But Rivera said it makes more sense to return to the previous practice of simply handing paper agendas to people as they arrive.

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00045

Common Council

Legislative Staff

City of Buffalo, NY

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Kevin M. Linder
Senior Legislative Assistants
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Julia A. Paul
Melissa Sanchez
Richard Wall
Legislative Aide
James N. Jackson

MEMORANDUM

DATE: October 13, 2010

TO: Council Member Kearns

FROM: Julia Paul/Council Staff

SUBJECT: X Invitation to Finance Committee meeting

The Buffalo Museum of Science Executive Director Mark Mortenson, would like to discuss current and future events at the next Finance Committee meeting.

I spoke with Mr. Mortenson this morning and he has confirmed his attendance at the Tuesday, October 26, 2010 Finance meeting.

**REFERRED TO THE COMMITTEE
ON FINANCE.**

65 Niagara Square - Room 1413
Buffalo, New York 14202-3318
Phone: (716) 851-5105
Fax: (716) 851-4234

The Buffalo Common Council

MICHAEL P. KEARNS
SOUTH DISTRICT COUNCIL MEMBER
 65 NIAGARA SQUARE, 1401 CITY HALL
 BUFFALO, NY 14202-3318
 PHONE: (716) 851-5169 ♦ FAX: (716) 851-4294
 E-mail: mkearns@city-buffalo.com



CHAIRMAN
 FINANCE
 TRANSPORTATION
 WATERFRONT DEVELOPMENT

COMMITTEES
 BUDGET
 BURA
 CIVIL SERVICE
 CLAIMS

LEGISLATIVE ASSISTANTS
 MARTHA-ANN MURPHY
 KELLY M. KRUG
 RUSSELL C. WEAVER

NEWS ARTICLE
 TALE OF TWO PITIES

MEMORANDUM

TO: Gerald Chwalinski
 FROM: Councilmember Kearns
 DATE: October 14, 2010
 RE: Item to be filed

I would like to file the attached article for the upcoming Common Council meeting to be held on October 19, 2010.

Thank you.

REFERRED TO THE COMMITTEE
 ON COMMUNITY DEVELOPMENT.

"For the People"

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TALE OF TWO PITITIES

by GEORGE J. MARLIN

What went wrong with Buffalo and the South Bronx — two of the nation's poorest areas

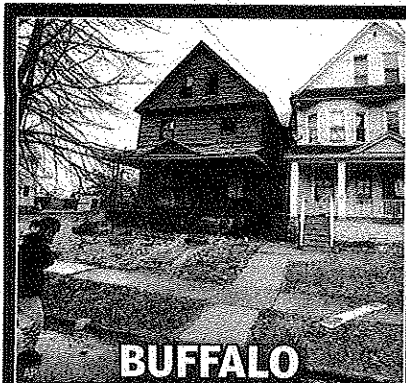
Newly released census figures reveal that New York is the home of the third-poorest city in the nation, Buffalo, and the poorest congressional district, Rep. Jose Serrano's 16th, located in the South Bronx.

Buffalo, once America's "City of Lights" due to the electric power generated by the mighty Niagara Falls, is now a city of darkness and despair. Its population, which stood at 532,000 in 1960, is today 270,000, a 49% decline. Twenty-nine percent of the population is below the poverty line; the median family income is \$30,000 — significantly lower than the national average of \$55,000. The crime rate is the worst in the state with 137 violent crimes and 572 property crimes per 10,000 people.

Buffalo also has the highest foreclosure rates on single family housing in the state, with more than 25,000 vacant homes. During the 21st century's residential real estate boom, when New York City and Long Island values were up more than 45% and the state housing mean was plus 12%, Buffalo property values decreased more than 11%. While the median home value in the state is \$260,000, in Buffalo it's about \$60,000. Since the bubble burst, commercial real estate has been off about 30%.

Buffalo is tied with New Orleans as the worst run cities in the nation. In 2003, the state imposed on Buffalo a Fiscal Stability Authority Board that oversees its fiscal management. City finances are so bad that in 2007 Mayor Anthony Masiello threw in the towel and called for the dissolution of the city.

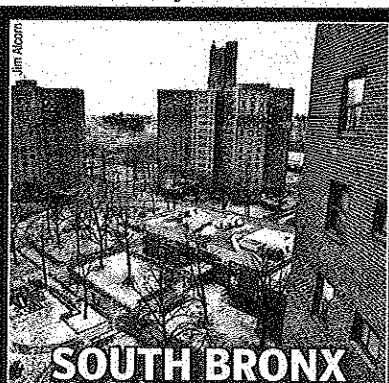
At the other end of the state is the 20-square-mile South Bronx, whose economic and social descent began in the 1950s. The major catalyst was master builder Robert Moses' construction of the Cross Bronx Expressway, between 1953 and 1961, that crossed 113 streets and avenues and destroyed scores



BUFFALO

Third poorest city in the nation, behind Detroit and Cleveland

Population:	Poverty rate:	Median family income:
270,000	28.8%	\$30,000



SOUTH BRONX

Poorest Congressional district in the nation

Population:	Poverty rate:	Median family income:
675,000	38%	\$26,700

of neighborhoods. Because 40,000 middle-class households driven out by construction never returned, the area waned. In the 1970s, drugs and crime became rampant and, thanks to the disincentives of rent control, hundreds of apartment buildings were abandoned and torched.

Vanishing unskilled and blue-collar manufacturing jobs caused a rise in welfare dependency, which, in turn, created an underclass. Political analyst Michael Barone observed, "A vicious cycle emerged: Crime drove away jobs, which drove away fathers, which produced more crime."

Jimmy Carter brought to the nation's attention the plight of the South Bronx in 1977 when he stood on a pile of rubble on Charlotte Street and compared the bulldozed area to Berlin, 1945. In 1979, Pope John Paul II visited the same burnt-

out neighborhood and in Spanish told the faithful: "I came here because I know the difficult conditions of your existence. I know the sorrow that takes place in your lives."

Despite all the attention and billions in expended urban development dollars, 30 years later the South Bronx is still the poorest community in the nation. Forty percent of the district's 256,000 people live below the poverty line; the median income is \$21,700 — 61% below the national average.

Why such poverty? Why such economic despair? Why is New York, with such prosperity and promise elsewhere, home to two of the worst communities in the nation?

The fault rests at the feet of government that has overspent, overtaxed and over-regulated and social engineers who have imposed

ill conceived, ideological-driven urban plans.

Throughout most of the 20th century, Buffalo was a bustling port and manufacturing city. But in the 1960s, a long steady decline began. Instead of investing to rehabilitate aging plants, manufacturing moved to states that were lighter on taxes and regulations. In the 1970s, Buffalo lost 88 factories and more than 70,000 manufacturing jobs. Between 1980 and 1992, the city lost 30% of its manufacturing jobs. Since that time, that job sector has declined an additional 49%.

During the last 16 years, career opportunities in Buffalo and other upstate cities have declined as local taxes have soared to finance unfunded state mandates. "Upstate is absolutely sinking under these mandates," declared the CEO of

the Rochester Business Alliance. "We've got to see some changes because we're dying here."

Job losses and onerous tax burdens were the primary cause for the mass exodus of people from Buffalo to greener employment pastures in the south and southwest. Today Buffalo is a ward of New York taxpayers, with federal, state and local governments and their stepchild, the health care industry, as the city's top employers.

The South Bronx is a paradigm of urban blight because of failed social policies that have depressed the area's dynamism and energy. Also, the culture of a single political party breeds a system that cannot deliver efficient services or great public works and that is driven by self-preservation and is immune to political competition. (Throughout the Great Recession, the only growth in The Bronx was in its gallery of political rogues.)

In addition, most government leaders cling to the mistaken belief that it is impossible for free market forces to operate in the interest of the common good. For instance, earlier this year, Bronx Borough President Ruben Diaz Jr. killed a retail mall project at the Kingsbridge Amory that was expected to employ 2,200 people, because the developer would not guarantee pay benefits 60% above the minimum wage. Diaz made the ridiculous declaration that no jobs were better than low paying jobs. His union backers applauded; thousands went without work.

The mind-set that puts ideology ahead of people, which will never say no to a new tax, explains why Buffalo and the South Bronx epitomize America's urban crisis. Sadly, these two municipal deserts are the monuments to 50 years of liberalism.

George J. Marlin is the author of "Squandered Opportunities: New York's Pataki Years."

More on the New York census, turn the page



00047

New York State Department of Environmental Conservation

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PUBLIC NOTICE**State Superfund Program****Site Name:** Anaconda Company/American Brass

October 7, 2010

Site No. 915007**Tax Map Nos.** 77.59-6-1.1; 77.59-6-2; 77.74-4-1; 77.74-4-2; 77.66-2-4; and 77.74-4-24**Site Location:** Military Road and Sayre Street, Buffalo, NY, 14207**X Inactive Hazardous Waste Disposal Site Delist Notice**

The Inactive Hazardous Waste Disposal Site Program (the State Superfund Program) is the State's program for identifying, investigating, and cleaning up sites where the disposal of hazardous waste may present a threat to public health and/or the environment. The New York State Department of Environmental Conservation (Department) maintains a list of these sites in the Registry of Inactive Hazardous Waste Disposal Sites (the "Registry"). The Department has determined that this site (see map on reverse side) no longer presents a threat to public health or the environment and is proposing to delist the site from the Registry for the following reason(s):

Previous investigations documented elevated levels of PCBs, cadmium, lead, and arsenic in soil at various locations around the plant complex. In 1999, remedial actions were performed (Areas A, C, D, and M) that included covering impacted areas with asphalt and improving security measures to minimize human exposure. In addition, soils contaminated with PCBs were removed and disposed at an off-site location. Further remediation of the site as part of the Voluntary Clean-up Program (#V00314) agreement occurred in 2004. This included covering and fencing the arsenic contaminated soil found in Area J. In addition, institutional controls and deed restrictions were filed. Since the remedial actions taken at the site, along with implementation of a Site Management Plan, have removed the threat to public health and the environment, it is appropriate to delist this site from the Registry at this time.

Public comments are being received before the decision to remove this site from the Registry is finalized. The public comment period will end November 19, 2010. If you would like to provide us with written comments, please send them to: Eugene Melnyk, Project Manager, Division of Environmental Remediation, NYS Department of Environmental Conservation, Region 9 Headquarters, 270 Michigan Avenue, Buffalo, NY 14203.

A summary of any comments will be assembled and made available for viewing at our Regional Office, 270 Michigan Avenue, Buffalo, NY 14203.

If we do not receive any new or additional information during this public comment period that changes our delist proposal, we will delist the site on or after December 6, 2010.

If you own property adjacent to this site and are renting or leasing your property to someone else, please share this information with them. If you no longer wish to be on the contact list for this site or otherwise need to correct our records, please contact the Department's Project Manager listed below.

FOR MORE INFORMATION

Additional information about this site can be found using the Department's "Environmental Site Remediation Database Search" engine which is located on the internet at:

www.dec.ny.gov/cfm/xtapps/derexternal/index.cfm?pageid=3

The Department is sending you this notice in accordance with Environmental Conservation Law Article 27, Title 13 and its companion regulation (6 NYCRR 375-2.7(b)(6)(ii)) which requires the Department to notify all parties on the contact list for this site of this recent action.

**REFERRED TO THE COMMITTEE
ON COMMUNITY DEVELOPMENT.**

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Approximate Site Location
Site #915007
Anaconda Company/American Brass
Military Road and Sayre Street, Buffalo, NY, 14207





00048

CITY OF BUFFALO

CITY PLANNING BOARD

901 CITY HALL
BUFFALO, NEW YORK 14202BYRON W. BROWN
MAYOR

September 20, 2010

Marc Romanowski
Harter Secrest & Emery LLP
Twelve Fountain Plaza, Suite 400
Buffalo New York 14202

★ Re: Multi - Modal Transportation Structure, 134 High Street

Dear Mr. Romanowski:

The City of Buffalo Planning Board, at a meeting held on Tuesday, September 14, 2010, considered the matter captioned above pursuant to Section 511-137 of the Buffalo Code-City Wide Site Plan Review. The Planning Board has determined that the design and site plan meets the criteria for site plan approval contained in section 511-145 and 511-146 of the Buffalo Code. A New York State Environmental Quality Review Finding Statement has been prepared and approved by the City of Buffalo Planning Board.

The City of Buffalo Planning Board voted to approve the site plan, design and elevations dated August 27, 2010, for the construction of a Multi Modal Transportation Structure on the property located at 134 High Street, Buffalo New York. The approval is conditioned with Kaleida Health continuing to communicate with the Fruitbelt neighborhood and the surrounding community west and north of the project area, enhance landscaping at Michigan Avenue and High Street, complete landscaping growing from the top of the High Street elevation and mesh being placed in the openings along High Street and Michigan Avenue. This approval is valid until September 14, 2011.

This letter is not a building permit. It is the responsibility of the owner to see that all required permits are issued prior to the commencement of the actual work.

If you should have any further questions regarding the above, please feel free to contact me anytime at (716) 851-5086.

Sincerely,

William Grillo
Principal Planner

WPG:MG

c.c. Gerald Chwalinski
David Krug, Permit Office
Building Code Review
Planning Board File

RECEIVED AND FILED

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00049

ZONING BOARD OF APPEALS

65 Niagara Square, 901 City Hall • Buffalo, NY 14202-3318

Phone: (716) 851-4942 • Fax: (716) 851-4388

CITY OF BUFFALO
NEW YORK



BYRON W. BROWN
MAYOR

September 30, 2010

Marc A. Romanowski
Harter Secrest & Emery LLP
Twelve Fountain Plaza, Suite 400
Buffalo, NY 14202-2293

RE: 134 HIGH STREET
APPLICATION: #157846

Dear Marc:

The Zoning Board of Appeals at its meeting of 9/29/10 accepted the SEQR findings statement and approved your petition for a variance to construct and use an eight-story Multi-Modal Transportation structure excessive in height requirements at premises **134 HIGH STREET**.

AS A RESULT OF THIS FAVORABLE ACTION BY THE BOARD, YOU MUST NOW OBTAIN A PERMIT IN ROOM 301 OF CITY HALL, 851-4925 AND PAY ANY FEES THAT ARE REQUIRED.

Section 511-117(B) of the Zoning Ordinance states that "no decision of the Zoning Board of Appeals authorizing any permit shall be in force and effect after a period of six (6) months from the date of said decision unless before the expiration of said permit the applicant files the revised or final plans with the Commissioner of Inspections and Licenses in accordance with said decision."

Therefore, unless you file any required plans and pay the balance owed on the permit application prior to 3/29/10, the Board's approval will expire and a new application will have to be made.

Very truly yours,

A handwritten signature in cursive script, reading "James A. Lewis III".

James A. Lewis III, Chairman
ZONING BOARD OF APPEALS

RECEIVED AND FILED

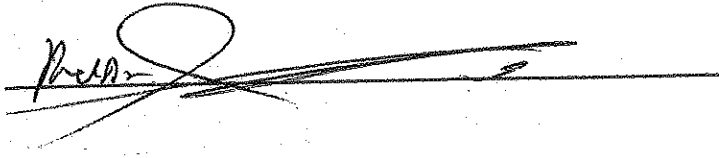
185

TO WHOM IT MAY CONCERN:

I hereby certify that at a meeting of the City of Buffalo Zoning Board of Appeals held at its offices at 901 City Hall, 65 Niagara Square, Buffalo, New York, on the 29th day of September, 2010, a resolution was adopted of which the following is a true copy:

Present:

Rev. James A. Lewis, III - Chairman
Anthony Diina
William Sunderlin
Warren Glover
Joseph Pandolfino



The following resolution was introduced:

WHEREAS, on August 27, 2010, Kaleida Health and 134 High Street, LLC (collectively "Applicants"), pursuant to §511-146 *et. seq.* of the Charter and Code of the City of Buffalo ("Code") and N.Y. General City Law §81-b, submitted a Letter of Intent ("LOI"), including Exhibits A-I, to the City of Buffalo Zoning Board of Appeals ("ZBA"), in furtherance of the Applicants' request for an Area Variance for the proposed height of the Multi-Modal Transportation Structure ("MMTS") project (hereinafter referred to as "Project") located at the north-west corner of High Street and Michigan Avenue, Buffalo, New York ("Project Site"); and,

WHEREAS, the Applicants have provided information in the LOI supporting the request for the Area Variance for the proposed height of the MMTS; and

WHEREAS, a public hearing was held on the matter on September 29, 2010 at 2:00 p.m. where the Applicants presented the final design details for the Project; and

WHEREAS, the ZBA has fully reviewed and discussed this matter; and

WHEREAS, the ZBA has, pursuant to Code §511-146 *et. seq.* and New York General City Law §81-b, received and reviewed the Application materials for the Project and after discussing this matter, has decided to approve the requested Area Variance; and

WHEREAS, pursuant to the State Environmental Quality Review Act, Article 8 of New York Environmental Conservation Law and 6 NYCRR Part 617 ("SEQRA"), a governmental agency is required, prior to taking action on an application, to undertake an environmental review of a project to assess whether the action has the potential to have significant adverse environmental impacts; the Project Sponsors have prepared a Draft Generic Environmental

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Impact Statement ("DGEIS") for the entire North End Development on the Buffalo Niagara Medical Campus; the City of Buffalo Planning Board ("Planning Board") as Lead Agency has reviewed the DGEIS and deemed it complete; pursuant to the process set forth in the DGEIS, the Applicants have prepared and submitted to the ZBA as Exhibit "I" of the aforementioned Letter of Intent, a Full Environmental Assessment Form ("FEAF"), specifically for the MMTS to assist the ZBA in reviewing the potential impacts of this request; the DGEIS included a specific analysis of the scale and location of the proposed MMTS and the impacts it might have on adjacent uses and ultimately, the Planning Board found that the Project would mitigate the potential negative impacts upon traffic and parking conditions in the vicinity of the Project Site; and

WHEREAS, the ZBA has determined that the potential environmental impacts of the Project have been minimized to the greatest extent practicable.

NOW THEREFORE BE IT RESOLVED BY THE ZONING BOARD OF APPEALS, pursuant to City Code § 511-146 *et seq.* and New York General City Law §81-b, as follows:

1. The Applicants are seeking an Area Variance for the height of an approximately 1,800 space Multi-Modal Transportation Structure at the northwest corner of High Street and Michigan Avenue. Section 511-41 of the City Code limits the height of the structure to the distance from the structure to the opposite side of Michigan Avenue (which in this case is 66' to the opposite side of Michigan Avenue) and the proposed height of the MMTS is 83'±. Thus the Applicants are seeking a height variance of 17'.

2. That the ZBA has made the following determination with respect to the Applicants' request for an Area (Height) Variance for the Project:

- a. Given the minimal variance requested (17'), the Urban nature of the Project Site and the adjacent structures, the requested Height Variance will not have an adverse impact upon adjacent properties or the character of the neighborhood; and
- b. That the only other means by which the Applicants can meet their goal for 1,800 spaces at the Project Site without the requested Variance would be to dramatically increase the footprint of the building or go sub-grade at a substantial cost. Increasing the footprint would also reduce the proposed greenspace, substantially increasing impervious areas and would eliminate the buffering impacts incorporated into the design of the MMTS; and
- c. That in an Urban setting like the Project Site, the requested 17' Height Variance is not substantial; and
- d. That the requested Height Variance will not have an adverse affect or impact on the physical or environmental conditions in the neighborhood or

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district since it will reduce the overall footprint of the building, reduce impervious areas and permit significant landscaping; and

- e. That while the need for the Area Variance may be self-created, the Variance will actually result in a better designed project which minimizes impacts upon adjacent properties.
- 3. That for the foregoing reasons, the ZBA approves the requested Area (Height) Variance for the MMTS as approved by the City of Buffalo Planning Board of on September 14, 2010.
- 4. That this resolution shall be effective immediately.

PASSED AND ADOPTED by the City of Buffalo Zoning Board of Appeals on the 29th day of September, 2010.

Upon roll call vote:

_____ aye's
_____ no's

[City of Buffalo Zoning Board of Appeals Certification of Votes]

PETITIONS

00050

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D. Land, Agent, Use 2616 Main-Convert Take-Out To a Sit-Down Bar/Restaurant
(Del)(Pub Hrg 10/26)

REFERRED TO THE COMMITTEE ON LEGISLATION, THE CITY PLANNING
BOARD

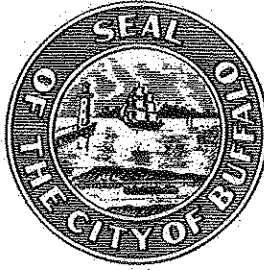
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OFFICE OF THE CITY CLERK

GERALD A. CHWALINSKI
City Clerk
Registrar of Vital Statistics

PATRICK SOLE, JR.
Deputy City Clerk

DIANA RICO
Deputy City Clerk
Vital Statistics



65 NIAGARA SQUARE
ROOM 1308 CITY HALL
BUFFALO, NEW YORK 14202
PHONE: (716) 851-5431
FAX: (716) 851-4845

This is to acknowledge that I have been informed as to the time and place
for the public hearing regarding:

2616 Main St

to be held in the Council Chamber, 13th Floor, City Hall On:

10-26-10

AT 2:00 PM

I am also informed that this is the only notice that the petitioner and or owner will receive,
and that if I am not the owner or petitioner, I will inform said owner, petitioner or
his/her agent of the above.

Signed Dadon Land (Agent or Owner)

Print Name DADON LAND Phone # 381-1666

Date 10-12-10

ATTENTION:

PLEASE ALSO CONTACT BILL GRILLO PRINCIPAL PLANNER, 851-5086
FOR PLANNING BOARD MEETING.

10-19-10 Common Council
10-26-10 CPBD, Legislation
11-3-10 Approval

Report Date 10/12/2010 03:54 PM

Submitted By FLD

Page 1

A/P # 160009

Application Information

Stages

	Date / Time	By	Date / Time	By
Processed	10/12/2010 15:53	DIGEF	Temp COO	
Issued			COO	
Final			Expires	

Associated Information

Type of Work	# Plans	0	Declared Valuation	0.00
Dept of Commerce	# Pages	0	Calculated Valuation	0.00
Priority	<input checked="" type="checkbox"/> Auto Reviews	Bill Group	Actual Valuation	0.00
Square Footage	0.00	Name		

Description of Work

BUILDING PLANS/RESTRICTED USE PERMIT 511-55/PUBLIC HEARING/FEE/C.C. APPROVAL REQUIRED TO CONVERT A TAKE -OUT TO SIT-DOWN BAR/RESTAURANT IN THE TRANSIT STATION SPECIAL ZONING DISTRICT.511-79.5A.(4)

Parent A/P #

Project #

Project/Phase Name

Phase #

Size/Area

Size Description

Property/Site Information

Address 2616 MAIN
BUFFALO NY 14214-

Location

Owner/Tenant

Contact ID AC1229403	Name	C/O AVENUE PIZZA & SUB SH 2616 MAIN ST INC	Organization						
Mailing Address	ATTN: MARIETTA		State/Province	BUFFALO NY					
City	2620 MAIN ST		Country					<input type="checkbox"/> Foreign	
ZIP/PC	14214-2024		Evening Phone						
Day Phone			Mobile #						
Fax			Owner Y	From	02/22/2005	To	05/06/2007		
Occupant	N	From	To						
Contact ID AC31922	Name	C/O AVENUE PIZZA & SUB SHOP 2616 MAIN ST INC	Organization						
Mailing Address	2620 MAIN ST		State/Province	NY					
City	BUFFALO		Country	USA				<input type="checkbox"/> Foreign	
ZIP/PC	14214-2024		Evening Phone						
Day Phone			Mobile #						
Fax			Owner Y	From	05/28/2000	To	05/06/2007		
Occupant	N	From	To						
Contact ID AC338532	Name	CELORON DEVELOPMENT LLC	Organization						
Mailing Address	5505 MAIN ST		State/Province	NY					
City	BUFFALO		Country	USA				<input type="checkbox"/> Foreign	
ZIP/PC	14221		Evening Phone						
Day Phone			Mobile #						
Fax			Owner Y	From	02/13/2008	To			
Occupant	N	From	To						

Linked Addresses

No Addresses are linked to this Application

A/P Linked Addresses

No Addresses are linked to this Application

City of Buffalo
65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

USE Building Application

Report Date 10/12/2010 03:54 PM

Submitted By FLD

Page 2

Linked Parcels

0893600001022000

A/P Linked Parcels

No Parcels are linked to this Application

Applicants/Contacts

No Applicant Contacts

Contractors

Primary Y Capacity Type
Effective Expire
Contact ID OWNER Name OWNER/TENANT
Phone Fax Address (SEE UNDER APPLICANT)
Comments

OWNER/TENET/APPLICANT: DADON LAND 381-1668

License #	Type	Contact ID	Name
000000	SBU	AC12792	OWNER OF PROPERTY
0000000	PLU	AC122429	OWNER
222222	SPC	AC123700	OWNER
FLL1234	DM1	AC12792	OWNER OF PROPERTY
000000	HIM	AC12792	OWNER OF PROPERTY

Item Description

Item Status

Check Fees Fees Failed
APPLICATION FEE (\$25.00) Unpaid
Check Inspections Inspections Successful
Check Reviews Reviews Failed
527930 CC APP COMMON COUNCIL APPROVAL REQ'D Incomplete
527929 ELECTRICAL PLAN REVIEW REQ'D Incomplete
527926 FPLAN FIRE PREVENTION PLAN REVIEWREQ Incomplete
527927 PLAN REV - REVIEW REQUIRED Incomplete
527928 PPLAN -PLUMBING PLAN REVIEW REQUIRED Incomplete
Check Conditions Conditions Successful
MD MULTI-DWELLING PROPERTY Approved, OK
Check Alert Conditions Alert Conditions Successful
Check Licenses Valid License(s)
HIM License Valid
Check Children Status Children Successful
Check Open Cases 3
Case # 78676
Case # 145460
Case # 75220

Fees	Status	Paid Date	Amount
APPLICATION FEE	U		25.00
Total Unpaid		25.00	Total Paid 0.00

Inspections

There are no Inspections for this Report

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Report Date 10/12/2010 03:54 PM

Submitted By FLD

Page 3

Review Activities Act # Comp By	Act Type Comments	Status	Waived	Issued	Started	Completed
527930	CC APP	0	N			
527929	ELECTRICAL	0	N	10/12/2010 15:53		
527926	FPLAN	0	N	10/12/2010 15:53		
527927	PLAN REV	0	N	10/12/2010 15:53		
527928	PPLAN	0	N	10/12/2010 15:53		

Activity Review Details

Detail 1. PRIOR REQUIRED APPROVALS

Modified By DIGEF

Modified Date/Time 10/12/2010 15:52

Comments

No Comments

PRIOR APPROVALS

Bflo Arts Commission

- ☐ Arts Comm. Approval
☐ Special events

City Engineering

- ☐ Curb Cuts
☐ Encroachment
☐ Oversize Trucking
☐ Plumbers' Cuts
☐ Street Cuts

City Planning

- ☐ Citywide Site Plan
☐ Subdivisions
☐ Urban Renewal

City Survey

- ☐ Address Permit
☐ Development
☐ Flood Plain

City Survey (con't)

- ☐ Subdivisions

Common Council

- ☐ Admin Office/Apts R4
☐ Beauty Parlor R2
☐ Canopy/Marquee ROW
☐ Freestanding Sign
☐ Human Service Facility
☐ Portable Sign in ROW
☒ Restricted Use Permit
☐ Other

Environmental Review

- ☐ S.E.Q.R.A.
☐ N.E.P.A.

Law Office

- ☐ Insurances Check
☐ Title Held

Permit Office

- ☐ Asbestos Survey
☐ Bond/Certified check
☐ First Insurances Check
☐ Notarized Permission/
Lease showing Use
☐ Rodent/Vermin Bait
☐ Sewer/Water Cut
☐ Simple Demolition
☐ Simple Plan Approval
☐ Zoning/Use Check

Preservation Board

- ☐ Preservation District
☐ Contiguous Check

Water Department

- ☐ New Water Supply
☐ Water Retention

- ☐ Asbestos Abatement

- ☐ Assessment Combination

- ☐ Public Works approval
for portable sign one year
encroachment

- ☐ Sewer Retention

- ☐ Telecommunication

- ☐ Tree over 4" at 4'

- ☐ Thruway Sign approval

- ☐ Zoning Variance

Detail 2. PLAN REVIEWS

Modified By DIGEF

Modified Date/Time 10/12/2010 15:52

Comments

No Comments

Report Date 10/12/2010 03:54 PM

Submitted By FLD

Page 4

PLAN REVIEWS

Plans Review Required

- ☐ Simple Plan Review by Permit Office
- ☐ One- and Two-Family Plan Review
- ☐ Multiple Dwellings Plan Review
- ☒ Building Code Review
- ☐ Citywide Site Plan Submission Check
- ☐ Sewer Code Review
- ☒ Plumbing Code Review
- ☒ Electrical Code Review
- ☐ HVAC (Mechanical) Code Review
- ☐ Elevator Code Review
- ☒ Fire Code Review

Revisions Required

- ☐ Revisions Required for Simple Plans
- ☐ Revisions Req'd for 1- and 2-Family
- ☐ Revisions Req'd for Mult. Dwellings
- ☐ Revisions Req'd. for Bldg Code Rev.
- ☐ Revisions Req'd. for Citywide Site
- ☐ Revisions Required for Sewer Plans
- ☐ Revisions Required for Plumbing
- ☐ Revisions Required for Electrical
- ☐ Revisions Required for HVAC/Mech.
- ☐ Revisions Required for Elevators
- ☐ Revisions Required for Fire Bureau

Check Conditions
Condition
Supervisor Required

Approval
Required

Approved By
Comments

Approved Date

Applied By

Applied Date

Assigned

MD N	OK	DIGEF	10/12/2010 15:53	DIGEF	10/12/2010 15:53
---------	----	-------	------------------	-------	------------------

Planning Condition

Description

Effective

Expire

Comments

There is no planning condition for this project.

A/P #

A/P Type

Status

Stage

Relation

No Records for This Search Criteria

CHANGE OF USE

- ☐ Work done by owner
- ☐ Residential
- ☐ Commercial
- ☐ Multiple Dwelling

- ☐ Zoning Board
- ☐ Work with out Permit (FINE)

FLAT FEES

Existing Use MIXED

New Use BAR/REST.

Dwelling Units Lost 0

Dwelling Units Added 0

Debris

- ☐ Electrical
- ☐ Plumbing
- ☐ Heating

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Report Date 10/12/2010 03:54 PM

Submitted By FLD

Page 5

Model Home Details		
Type	Model #/Option	Comments

There are no Items in this list

Employee				
Employee ID	Last	First	MI	Comments

No Employee Entries

Log					
Action	Description	Entered By	Start	Stop	Hours
Comments					

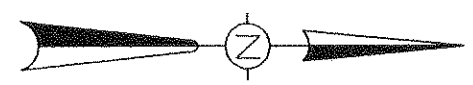
No Log Entries



(VERNON STREET)
(66.0' WIDE)

100

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BEING PART OF LOT-67, TWP.-11,
R.-8, HOLLAND PURCHASE

DETAIL
NOT TO SCALE

McINTOSH & McINTOSH, P.C.
CONSULTING ENGINEERS, LAND SURVEYORS, PLANNERS
LOCKPORT, NEW YORK BUFFALO, NEW YORK
PHONE 434-9138 PHONE 625-8360

MAIN STREET
(99.0' WIDE)

0306

196

Parkside Community Association
2318 Main Street
Buffalo, New York 14214
(716) 838-1240
pca2318main@verizon.net

To Whom It May Concern:

I've grown up and lived in the Parkside/Central Park region for much of my life, and I have also decided to open a business in the very community that I have grown to love. My liquor store is on Main Street (Main Fillmore Liquor), near Vernon Place, serves many in the community and I always go out of my way to help those in need. I enjoy serving the Parkside community in anyway possible. I employ individuals from within the community who show an interest in doing better for themselves, as well as an interest in reinvesting in the Parkside region by patronizing our various local stores.

The Avenue Grill in my vision is an upscale restaurant which will give patrons the opportunity to enjoy there food sit and relax. Also they can enjoy sports, music, live jazz etc. The menu will be a little different than the normal Avenue Pizzeria. I am targeting towards giving you the Friday's or Applebee's Feel.

I wish to expand my business opportunities within the Parkside community by opening The Avenue Grill so that our Parkside citizens have another place to patronize for various foods and drinks. The grill will be located on the same block that houses Main Fillmore Liquor, at the corner of Main and Vernon Place. I will continue to cater to local residents to present opportunities of employment. As it stands there is no business in that location and I wish to replace an abandoned business with a thriving restaurant in an attempt to beautify and service our Parkside community.

I wish to assist the Parkside Community Association in anyway possible. I am attempting to become more of an asset to our community. I wish to work diligently hand-in-hand with the Parkside Community Association to make my vision of The Avenue Grill, on the corner of Main and Vernon Place, a reality. I look forward to working with you and I sincerely thank you for your time.

Yours truly,

Dadon R. Land,
President
Main Fillmore Liquor, LLc

00051

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D. Lloyd, Owner, Use 23 Allen St for a Take Out Restaurant
(Ell)(Pub Hrg 10/26)

REFERRED TO THE COMMITTEE ON LEGISLATION, THE CITY PLANNING
BOARD

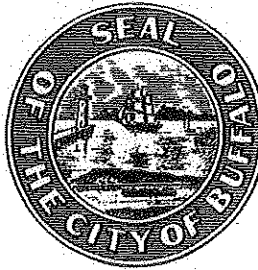
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OFFICE OF THE CITY CLERK

GERALD A. CHWALINSKI
City Clerk
Registrar of Vital Statistics

PATRICK SOLE, JR.
Deputy City Clerk

DIANA RICO
Deputy City Clerk
Vital Statistics



65 NIAGARA SQUARE
ROOM 1308 CITY HALL
BUFFALO, NEW YORK 14202
PHONE: (716) 851-5431
FAX: (716) 851-4845

This is to acknowledge that I have been informed as to the time and place
for the public hearing regarding:

23 Allen

to be held in the Council Chamber, 13th Floor, City Hall On:

10-26-10

AT 2:00 PM

I am also informed that this is the only notice that the petitioner and or owner will receive,
and that if I am not the owner or petitioner, I will inform said owner, petitioner or
his/her agent of the above.

Signed Dechantell Lloyd (Agent or Owner)

Print Name Dechantell Lloyd Phone # 716-570-9459

Take out Rest.

Date 10-14-10

ATTENTION:

PLEASE ALSO CONTACT BILL GRILLO PRINCIPAL PLANNER, 851-5086
FOR PLANNING BOARD MEETING.

Rm 901

10-19-10 Council

10-26-10 PB Leg, CPBD

City of Buffalo
65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

CITY CLERK

GC Building Application

ROOM 1302-6

199

Report Date 10/01/2010 01:44 PM

Submitted By DAVID GRUNDY

Page 1

A/P # 159294

Application Information

Stages

	Date / Time	By		Date / Time	By
Processed	10/01/2010 13:38	GRUND	Temp COO		
Issued			COO		
Final			Expires		

Associated Information

Type of Work		# Plans	0
Dept of Commerce		# Pages	0
Priority		Bill Group	
Square Footage	0.00	<input checked="" type="checkbox"/> Auto Reviews	
		Name	

Valuation

Declared Valuation	0.00
Calculated Valuation	0.00
Actual Valuation	0.00

Description of Work

COMMON COUNCIL APPROVAL REQUIRED, SECTION 511-57 C(3), FOR A RESTAURANT USE IN THE ALLEN STREET SPECIAL DISTRICT. PUBLIC HEARING REQUIRED, FEES REQUIRED. CHANGE OF USE. IN A STOREFRONT IN A 3 STORY MASONRY MULTIPLE DWELLING MIXED-USE BUILDING, CHANGE USE FROM STORE TO TAKE-OUT RESTAURANT. PLANS REQUIRED.

Parent A/P #

Project #	Project/Phase Name	Phase #
Size/Area	Size Description	

Property/Site Information

Address 23 ALLEN
BUFFALO NY 14202-

Location

Owner/Tenant

Contact ID AC346441	Name ALLEN PROPERTY LTD.	Organization	
Mailing Address 256 PENNSYLVANIA ST		State/Province NY	
City BUFFALO		Country USA	<input type="checkbox"/> Foreign
ZIP/PC 14201		Evening Phone	
Day Phone		Mobile #	
Fax		Owner Y	From 09/26/2010 To
Occupant N	From To		
Contact ID AC61804	Name JEANNE M. POTTER	Organization	
Mailing Address P.O.BOX 484		State/Province NY	
City BUFFALO		Country USA	<input type="checkbox"/> Foreign
ZIP/PC 14202		Evening Phone	
Day Phone		Mobile #	
Fax		Owner Y	From 05/28/2000 To 05/06/2007
Occupant N	From To		
Contact ID AC1259046	Name POTTER JEANNE M MRV INVESTMENTS LLC;	Organization C/O FAIRMONT APARTMENTS	
Mailing Address PO BOX 484		State/Province NY	
City BUFFALO		Country USA	<input type="checkbox"/> Foreign
ZIP/PC 14209		Evening Phone	
Day Phone		Mobile #	
Fax		Owner Y	From 02/22/2005 To 05/06/2007
Occupant N	From To		

City of Buffalo

65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

GC Building Application**Report Date** 10/01/2010 01:44 PM**Submitted By** DAVID GRUNDY

Page 2

Owner/Tenant

Contact ID AC902820	Name POTTER,JEANNE M. MRV INVESTMENTS, LLC;	Organization
Mailing Address P.O. BOX 484		State/Province NY
City BUFFALO		Country USA <input type="checkbox"/> Foreign
ZIP/PC 14202		Evening Phone
Day Phone		Mobile #
Fax		
Occupant N From	To	Owner Y From 11/26/2001 To 05/06/2007

Linked Addresses

No Addresses are linked to this Application

A/P Linked Addresses

No Addresses are linked to this Application

Linked Parcels

1007800006008000

A/P Linked Parcels

No Parcels are linked to this Application

Applicants/Contacts

No Applicant Contacts

Contractors

No Contractors

Item Description**Item Status**

Check Fees	Fees Successful
Check Inspections	Inspections Successful
Check Reviews	Reviews Successful
Check Conditions	Conditions Successful
Check Alert Conditions	Alert Conditions Successful
Check Licenses	Invalid License(s)
HIM	License Not Found
Check Children Status	Children Successful
Check Open Cases	3
Case # 160773	
Case # 168912	
Case # 164233	
Conditions Added:	1
MD	
Periodic Inspection Schedules Added:	0

Fees	Status	Paid Date	Amount
APPLICATION FEE	U		50.00
GC PLAN REVIEW - BUSINESS	U		50.00
GC PMT, INSP, C OF O FEE - BUSINESS	U		28.00
GC PMT,INSP,C OF O - INITIAL FEE	U		200.00
Total Unpaid		328.00	Total Paid 0.00

200

Report Date 10/01/2010 01:44 PM

Submitted By DAVID GRUNDY

Page 3

Inspections Insp # Preference	Insp Type Inspected By	#	Ord/Grp Comments	Assigned To	Call	Scheduled
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There are no inspections for this Report

Review Activities Act # Comp By	Act Type Comments	Status	Waived	Issued	Started	Completed
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526885	BCODEREV	0	N	10/01/2010 13:38		
526887	CC APP	0	N	10/01/2010 13:38		
526890	ELECTRICAL	0	N	10/01/2010 13:38		
526888	FPLAN	0	N	10/01/2010 13:38		
526886	LANDMARK	0	N	10/01/2010 13:38		
526889	PPLAN	0	N	10/01/2010 13:38		
526891	PRES	0	N	10/01/2010 13:38		

Activity Review Details

Detail 1. PRIOR REQUIRED APPROVALS
Comments

Modified By GRUND

Modified Date/Time 10/01/2010 13:38

No Comments

PRIOR APPROVALS

Bflo Arts Commission

- ☐ Arts Comm. Approval
☐ Special events

City Engineering

- ☐ Curb Cuts
☐ Encroachment
☐ Oversize Trucking
☐ Plumbers' Cuts
☐ Street Cuts

City Planning

- ☐ Citywide Site Plan
☐ Subdivisions
☐ Urban Renewal

City Survey

- ☐ Address Permit
☐ Development
☐ Flood Plain

City Survey (con't)

- ☐ Subdivisions

Common Council

- ☐ Admin Office/Apts R4
☐ Beauty Parlor R2
☐ Canopy/Marquee ROW
☐ Freestanding Sign
☐ Human Service Facility
☐ Portable Sign in ROW
☒ Restricted Use Permit
☐ Other

Environmental Review

- ☐ S.E.Q.R.A.
☐ N.E.P.A.

Law Office

- ☐ Insurances Check
☐ Title Held

Permit Office

- ☐ Asbestos Survey
☐ Bond/Certified check
☐ First Insurances Check
☐ Notarized Permission/
Lease showing Use
☐ Rodent/Vermin Bait
☐ Sewer/Water Cut
☐ Simple Demolition
☐ Simple Plan Approval
☐ Zoning/Use Check

Preservation Board

- ☐ Preservation District
☐ Contiguous Check

Water Department

- ☐ New Water Supply
☐ Water Retention

- ☐ Asbestos Abatement
☐ Assessment Combination
☐ Public Works approval
for portable sign one year
encroachment
☐ Sewer Retention
☐ Telecommunication
☐ Tree over 4" at 4'
☐ Thruway Sign approval
☐ Zoning Variance

Detail 2. PLAN REVIEWS
Comments

Modified By GRUND

Modified Date/Time 10/01/2010 13:37

No Comments

Report Date 10/01/2010 01:44 PM

Submitted By DAVID GRUNDY

Page 4

PLAN REVIEWS

Plans Review Required

- ☐ Simple Plan Review by Permit Office
☐ One- and Two-Family Plan Review
☐ Multiple Dwellings Plan Review
☒ Building Code Review
☐ Citywide Site Plan Submission Check
☐ Sewer Code Review
☒ Plumbing Code Review
☒ Electrical Code Review
☐ HVAC (Mechanical) Code Review
☐ Elevator Code Review
☒ Fire Code Review

Revisions Required

- ☐ Revisions Required for Simple Plans
☐ Revisions Req'd for 1- and 2-Family
☐ Revisions Req'd for Mult. Dwellings
☐ Revisions Req'd. for Bldg Code Rev.
☐ Revisions Req'd. for Citywide Site
☐ Revisions Required for Sewer Plans
☐ Revisions Required for Plumbing
☐ Revisions Required for Electrical
☐ Revisions Required for HVAC/Mech.
☐ Revisions Required for Elevators
☐ Revisions Required for Fire Bureau

Check Conditions Condition Supervisor Required	Approval	Approved By Comments	Approved Date	Applied By	Applied Date	Assigned
--	----------	-------------------------	---------------	------------	--------------	----------

MD N				GRUND	10/01/2010 13:38	
---------	--	--	--	-------	------------------	--

Planning Condition	Description	Effective	Expire	Comments
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There is no planning condition for this project.

A/P #	A/P Type	Status	Stage	Relation
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No Records for This Search Criteria

General Construction

0	No. of Residential Units Lost	<input type="checkbox"/> Residential	<input type="checkbox"/> Work Without Permit (FINE)	Debris:
0	No. of Residential Units Added	<input type="checkbox"/> Commercial	<input type="checkbox"/> Work Done by Owner	<input type="checkbox"/> Truss Construction

☐ Zoning Board of Appeals

ELEVATORS

You must fill out the custom form on activity detail if there is ELEVATOR work to be completed.

Building Construction:

USE SQ FT USE	Sq. Ft.	Demo	GC
------------------	---------	------	----

B	700.00		Y
---	--------	--	---

Model Home Details Type	Model #/Option	Comments
----------------------------	----------------	----------

There are no items in this list

City of Buffalo
65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

GC Building Application

201

Report Date 10/01/2010 01:44 PM

Submitted By DAVID GRUNDY

Page 5

Employee ID	Last	First	MI	Comments
-------------	------	-------	----	----------

No Employee Entries

Log Action	Description	Entered By	Start	Stop	Hours
------------	-------------	------------	-------	------	-------

No Log Entries

NORTH
WEAR
66 WIDE
S
T

Hand-drawn site plan of a property. The plan shows a rectangular lot with several internal divisions and external features. Key measurements and labels include:

- Top Boundary:** 41.01 DEED, 41.15 MEAS.
- Left Boundary:** 135.0 DEED, 135.34 MEAS.
- Right Boundary:** 126.38 DEED & MEAS.
- Bottom Boundary:** 41.87 DEED, 42.22 MEAS.
- Internal Features:**
 - STAIRWAY (top left)
 - ELECT. METER (top left)
 - 12V (top left)
 - HOT WATER (top left)
 - CHANCE AREA (top center)
 - BRICK BUILDING (top center)
 - LEAVES (top center)
 - NO LEAVES (top center)
 - STAIRWAY (bottom left)
 - LIT. TIME (bottom left)
- External Features:**
 - FENCE 0.15 WEST
 - FENCE 0.00 EAST
 - FENCE 0.20 EAST
 - PARALLEL WITH MAIN ST.
 - ST. (bottom right)

41.8
42.22 MEAS.

ALLEN 62' WIDE ST.

RE-SURVEY MAR. 23, 1950 No. 50-566

NORMAN M. HERTHE
ENGINEER

110 FRANKLIN STREET
BUFFALO, N. Y.

SURVEYS APPRAISALS
LICENSED, STATE OF NEW YORK

DATE MAR. 2, 1944

SCALE 1 IN. = 20 FT.

BOOK LL PAGE 8146

NUMBER 44-361

12/11/1914 Sonnenberger

00052

203

Hope Gardens, Use 58 Oberlin for a HSF
(Fill)(no pub hrg)

REFERRED TO THE COMMITTEE ON LEGISLATION, THE CITY PLANNING
BOARD AND THE ZONING BOARD OF APPEALS

48

City of Buffalo
65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

GC Building Application

204

Report Date 10/07/2010 03:08 PM

Submitted By DAVID GRUNDY

Page 1

A/P # 159472

Application Information

Stages

	Date / Time	By		Date / Time	By
Processed	10/07/2010 14:58	GRUND	Temp COO		
Issued			COO		
Final			Expires		

Associated Information

Type of Work	# Plans	0
Dept of Commerce	# Pages	0
Priority	Bill Group	
Square Footage	0.00	
<input checked="" type="checkbox"/> Auto Reviews	Name	

Valuation

Declared Valuation	4000000.00
Calculated Valuation	0.00
Actual Valuation	0.00

Description of Work

ZONING APPROVAL REQUIRED, SECTION 511-136, FOR A RESTRICTED USE FOR A HUMAN SERVICES FACILITY. COMMON COUNCIL
RECOMMENDATION, NO PUBLIC HEARING, NO FEES. CITY PLANNING RECOMMENATION. ERECT A 2 STORY FRAME HOMELESS WOMENS'
APARTMENT BUILDING WITH PARKING AND ACCESSORY OFFICES. PLANS REQUIRED.

Parent A/P

Project #	Project/Phase Name	Phase #
Size/Area	Size Description	

Property/Site Information

Address 58 OBERLIN
BUFFALO NY 14211-

Location

Owner/Tenant

Contact ID AC202528	Name	CITY BUFFALO PERFECTING TITLE			
Mailing Address 65 NIAGARA SQ RM 901	Organization				
City BUFFALO	State/Province NY				
ZIP/PC 14202	Country USA	<input type="checkbox"/> Foreign			
Day Phone	Evening Phone				
Fax	Mobile #				
Occupant N	From	To	Owner Y	From 11/13/2006	To
Contact ID AC806854	Name	LONG			
Mailing Address 51 CARL	Organization				
City BUFFALO	State/Province NY				
ZIP/PC 14215	Country USA	<input type="checkbox"/> Foreign			
Day Phone (716)444-0952 x	Evening Phone (716)563-3529 x				
Fax	Mobile #				
Occupant N	From	To	Owner Y	From 10/18/2001	To 05/06/2007
Contact ID AC71414	Name	INC. MADONNA OF THE STREETS			
Mailing Address 325 WALDEN AVE	Organization				
City BUFFALO	State/Province NY				
ZIP/PC 14211	Country USA	<input type="checkbox"/> Foreign			
Day Phone	Evening Phone				
Fax	Mobile #				
Occupant N	From	To	Owner Y	From 05/28/2000	To 05/06/2007

City of Buffalo
65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

GC Building Application

Report Date 10/07/2010 03:08 PM

Submitted By DAVID GRUNDY

Page 2

Owner/Tenant

Contact ID AC1229780 Name NONPROFIT TRAINING INSTITUTE INC.
Mailing Address PO BOX 830562 Organization
City STONE MOUNTAIN State/Province GA
ZIP/PC 30083-0010 Country USA ☐ Foreign
Day Phone Evening Phone
Fax Mobile #
Occupant N From To Owner Y From 02/22/2005 To 05/06/2007

Linked Addresses

No Addresses are linked to this Application

A/P Linked Addresses

No Addresses are linked to this Application

Linked Parcels

1017000008017000

A/P Linked Parcels

No Parcels are linked to this Application

Applicants/Contacts

No Applicant Contacts

Contractors

Primary Y Capacity Type
Effective Expire
Contact ID 3528 Name SAVARINO COMPANIES LLC (GNC)
Phone (716)332-5959 x Fax (716)332-5968 Address 26 MISSISSIPPI
SUITE 200
Comments
No Comments BUFFALO, NY 14203-

License #	Type	Contact ID	Name
517437	HIM	AC790106	SAMUEL J. SAVARINO

Item Description

Item Status

Check Fees	Fees Failed
APPLICATION FEE (\$50.00)	Unpaid
GC PMT,INSP,C OF O - INITIAL FEE (\$200.00)	Unpaid
ZONING BOARD FEE (\$75.00)	Unpaid
Check Inspections	Inspections Successful
Check Reviews	Reviews Failed
527597 BCDEREV BUILDING CODE REVIEW	Incomplete
527598 CITY WIDE CITY WIDE SITE PLAN APPROVAL	Incomplete
527599 CURB PLACEMENT OF NEW CURB CUTS	Incomplete
527602 ELECTRICAL PLAN REVIEW REQ'D	Incomplete
527600 FPLAN FIRE PREVENTION PLAN REVIEWREQ	Incomplete
527603 HPLAN HVAC PLAN REVIEW REQUIRED	Incomplete
527601 PPLAN -PLUMBING PLAN REVIEW REQUIRED	Incomplete
527596 SEWER SEWER PLAN REVIEW REQUIRED	Incomplete
Check Conditions	Conditions Successful
Check Alert Conditions	Alert Conditions Successful

205

Report Date 10/07/2010 03:08 PM

Submitted By DAVID GRUNDY

Page 3

Item Description	Item Status
Check Licenses	Not Checked
Check Children Status	Children Successful
Check Open Cases	4
Case # 106635	
Case # 130315	
Case # 141733	
Case # 120919	

Fees	Status	Paid Date	Amount
ZONING BOARD FEE	A		75.00
APPLICATION FEE	U		50.00
GC PMT,INSP,C OF O - INITIAL FEE	U		200.00
Total Unpaid		325.00	Total Paid 0.00

Inspections Insp # Preference	Insp Type Inspected By	#	Ord/Grp Comments	Assigned To	Call	Scheduled
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There are no Inspections for this Report

Review Activities Act # Comp By	Act Type Comments	Status	Valued	Issued	Started	Completed
527597	BCODEREV	0	N	10/07/2010 14:58		
527598	CITY WIDE	0	N	10/07/2010 14:58		
527599	CURB	0	N	10/07/2010 14:58		
527602	ELECTRICAL	0	N	10/07/2010 14:58		
527600	FPLAN	0	N	10/07/2010 14:58		
527603	HPLAN	0	N	10/07/2010 14:58		
527601	PPLAN	0	N	10/07/2010 14:58		
527596	SEWER	0	N	10/07/2010 14:58		

Activity Review Details

Detail 1. PRIOR REQUIRED APPROVALS
Comments
No Comments

Modified By GRUND

Modified Date/Time 10/07/2010 14:43

Report Date 10/07/2010 03:08 PM

Submitted By DAVID GRUNDY

Page 4

PRIOR APPROVALS

Bflo Arts Commission

- ☐ Arts Comm. Approval
☐ Special events

City Engineering

- ☒ Curb Cuts
☐ Encroachment
☐ Oversize Trucking
☐ Plumbers' Cuts
☐ Street Cuts

City Planning

- ☒ Citywide Site Plan
☐ Subdivisions
☐ Urban Renewal

City Survey

- ☐ Address Permit
☐ Development
☐ Flood Plain

City Survey (con't)

- ☐ Subdivisions

Common Council

- ☐ Admin Office/Apts R4
☐ Beauty Parlor R2
☐ Canopy/Marquee ROW
☐ Freestanding Sign
☐ Human Service Facility
☐ Portable Sign in ROW
☐ Restricted Use Permit
☐ Other

Environmental Review

- ☐ S.E.Q.R.A.
☐ N.E.P.A.

Law Office

- ☐ Insurances Check
☐ Title Held

Permit Office

- ☐ Asbestos Survey
☐ Bond/Certified check
☐ First Insurances Check
☐ Notarized Permission/
Lease showing Use
☐ Rodent/Vermin Bait
☐ Sewer/Water Cut
☐ Simple Demolition
☐ Simple Plan Approval
☐ Zoning/Use Check

- ☐ Asbestos Abatement

- ☐ Assessment Combination

- ☐ Public Works approval
for portable sign one year
encroachment

- ☐ Sewer Retention

- ☐ Telecommunication

- ☐ Tree over 4" at 4'

- ☐ Thruway Sign approval

- ☐ Zoning Variance

Preservation Board

- ☐ Preservation District
☐ Contiguous Check

Water Department

- ☐ New Water Supply
☐ Water Retention

Detail 2. PLAN REVIEWS

Modified By GRUND

Modified Date/Time 10/07/2010 14:43

Comments

No Comments

PLAN REVIEWS

Plans Review Required

- ☐ Simple Plan Review by Permit Office
☐ One- and Two-Family Plan Review
☐ Multiple Dwellings Plan Review
☒ Building Code Review
☐ Citywide Site Plan Submission Check
☒ Sewer Code Review
☒ Plumbing Code Review
☒ Electrical Code Review
☒ HVAC (Mechanical) Code Review
☐ Elevator Code Review
☒ Fire Code Review

Revisions Required

- ☐ Revisions Required for Simple Plans
☐ Revisions Req'd for 1- and 2-Family
☐ Revisions Req'd for Mult. Dwellings
☐ Revisions Req'd. for Bldg Code Rev.
☐ Revisions Req'd. for Citywide Site
☐ Revisions Required for Sewer Plans
☐ Revisions Required for Plumbing
☐ Revisions Required for Electrical
☐ Revisions Required for HVAC/Mech.
☐ Revisions Required for Elevators
☐ Revisions Required for Fire Bureau

Check Conditions

Condition Approval Approved By Approved Date Applied By Applied Date Assigned
Supervisor Required

No Conditions

Planning Condition

Description

Effective

Expire

Comments

There is no planning condition for this project.

A/P #

A/P Type

Status

Stage

Relation

No Records for This Search Criteria

2010

Report Date 10/07/2010 03:08 PM

Submitted By DAVID GRUNDY

Page 5

General Construction

0 No. of Residential Units Lost ☒ Residential ☐ Work Without Permit (FINE) Debris:
0 No. of Residential Units Added ☐ Commercial ☐ Work Done by Owner ☐ Truss Construction

☒ Zoning Board of Appeals 10/07/2010 14:58

ELEVATORS

You must fill out the custom form on activity detail if there is ELEVATOR work to be completed.

Building Construction: FRAME

USE SQ FT	Sq. Ft.	Demo	GC
-----------	---------	------	----

There are no items in this list

Model Home Details	
Type	Model #/Option

There are no items in this list

Employee	Last	First	MI	Comments
Employee ID				

No Employee Entries

Log	Description	Entered By	Start	Stop	Hours
Action					
Comments					

No Log Entries



City of Buffalo



OFFICE OF STRATEGIC PLANNING
BYRON W. BROWN, *Mayor*

NEIGHBORHOOD DEVELOPMENT SECTION
DIVISION OF REAL ESTATE

July 30, 2010

Marlies Wesolowski, Exec. Dir.
Lt. Col. Matt Urban Human Services Center
1081 Broadway
Buffalo, NY 14212

RE: Hope Gardens Project

Dear Ms. Wesolowski:

This letter is to serve as formal notification that the City of Buffalo, Office of Strategic Planning, Division of Real Estate, has placed the following vacant lots on "hold" for the development of a two-story apartment building with 8 to 10 one bedroom apartments for homeless women.

58-60-62-66-68-70-76 OBERLIN
53-57-59-61-63-65-69-71 RUHLAND

The property will be held for one year from the date of this letter for the project pending the approval of your development and financing plans. The parcels will be sold at fair market value.

The Office of Strategic Planning supports and applauds your decision to invest in the future of Buffalo by building in our great City.

Sincerely,

Brendan Mehaffy, Executive Director
Office of Strategic Planning

BM: JPH: jjl

208

**APPLICATION
FOR
HUMAN SERVICES RESTRICTED USE PERMIT**

APPLICATION MUST BE COMPLETED IN FULL

For Office Use Only:

Zoning Board of Appeals Fee - \$75.00

Zoning Board Meeting Date _____

Date October 6 2010

Business Name Polish Community Center of Buffalo, Inc Business Phone # 716-893-7222 x 214

Business Address 1081 Broadway Buffalo NY 14212

(No., Street) (City, Town or Village) (State) (Zip)

Human Service Facility Address Oberlin and Ruhland- address list attached

(No., Street) Buffalo, New York

Business Standing: Private Entity Private Public Entity _____

Applicant Name Polish Community Center of Buffalo, Inc Applicant Phone # 716-893-7222 x 214

Applicant Address 1081 Broadway Buffalo NY 14212

(No., Street) (City, Town or Village) (State) (Zip)

Applicant's Business Position: Owner _____ Partner _____ Corporate Officer _____ Other Have site control- buying land from city

Business Operational Information

Type of Facility: Food Pantry _____ Soup Kitchen _____ Walk-In Center _____ Drop-In Center _____

Counseling Center _____ Detention Center _____ Temporary or Short-Term Shelter _____

Transient Housing _____ Substance Abuse Community or Residential Treatment Facility _____

Residential Treatment Facility (Correctional Purposes) _____ Other Permanent Housing for chronically homeless women

Detailed description of the Proposed Use Hope Gardens is a proposed apartment building for chronically homeless women with no dependents. This two story, 9 unit apartment building will have a central fully enclosed courtyard and common spaces on the first floor for programming. The 1st floor will have laundry room, art studio, community living room, computer lab/library and a conference room and a small private office (for counseling clients).

Business Operation Information

209

Facility Days/Hrs of Operation Building is open and staffed 24 hours a day.

Number of Individuals Serviced (weekly) 9 Number of Residents to be Housed (if applicable) 9

Activities/Programs at Facility (description) Therapeutic Interactive Programming: • Art Therapy

• Poetry Classes • Women's Kitchen • Yoga • Music/Aroma Therapy • Trauma Counseling

• Financial Support • Budgeting and Money Management • Independent Living Skills Training

• Job Training/Volunteering • Medical Care • Supervision and Monitoring

Degree of Supervision at Facility 24/7 supervision. Staff ratio is 1-9. This will be low demand housing.

Demonstration Of Need (Why Services are needed/Why this Location and etc.) Based on homeless research published by Elliot Liebow women, particularly chronically homeless women, do poorly living in an environment with tight institutional controls. Instead a home-like setting where they have their own personal space is vital to the success of the program. Best practices models will continue around program design. This building is needed in this location due to the fact that many of the women are currently residing in this neighborhood/ squatting and the services they need are in this neighborhood (near St Luke, Matt Urban Center, HOPE Center etc). In Buffalo, on any given night, there is an estimated 2,100 homeless individuals or families who are homeless. It is estimates that women represent about 48% of the homeless and many of these women reside in vacant structures in our proposed neighborhood and this opens them up to being victims of physical or sexual violence. This building is needed to provide these women with a therapeutic living environment so they can recover from the trauma they have been subjected to.

Other Pertinent Information _____

Morli G. W. [Signature]
Applicant Signature

Subscribed and sworn to before me this 7TH

day of OCTOBER, 2010
Ronald W. Parylo
Commissioner of Deeds in and for the
City of Buffalo, New York

RONALD W. PARYLO
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 7/24/2013

Intended Use:

To build an apartment building for homeless women

City Parcels for which we have site control:

58, 60, 62, 66, 68, 70, 76 Oberlin

53, 57, 59, 61, 63, 65, 69, 71 Ruhland

Summary:

In the United States the homeless population is on any given night to be 744,313 (HUD) and in Buffalo on any given night there is an estimated 2,100 homeless individuals or families who are homeless. It is estimated that the chronically homeless represents 18% of the homeless and women represent about 48% of the homeless. Based on these numbers and percentages, chronically homeless women account for approximately 180 homeless in Buffalo.

Based on a 10 year research project performed by Elliott Liebow which was turned into a book "Tell Them Who I am: the Lives of Homeless Women", chronically homeless women have unique needs different from chronically homeless men. While men may do well in a dormitory setting, women do very poorly in this setting, and do not respond well to institutional controls. In fact, a study by Novac, Brown and Gallant report that there is a direct relationship between homeless women and the physical and sexual abuse that homeless women have experienced in their lives.

Our Vision

Liebow's study reveals that women, particularly chronically homeless women, do poorly living in an environment with tight institutional controls. Instead a home-like setting where they have their own personal space is vital to the success of a program. While Liebow's study focused on shelters, we may glean philosophical aspects when designing the program for this permanent supportive housing program.

Our research on best practice models will continue around program design, however we have an ideal vision of how we would like to see the structure of the building. The building would be a two-story structure built around a central therapeutic courtyard.

First Floor

The first floor will house offices, a kitchen/dining room large enough for 20 individuals, a laundry room, art studio, community living room, computer lab/library and a conference room and a small private office (for counseling clients).

Second Floor

The second floor will have 9 one bedroom apartments with two being handicap accessible. There should be at least one staircase, and one elevator. Each apartment will have a small bedroom, living room, kitchen and bathroom.

211

Our Plan:

The Matt Urban Center is working with Laurie Hauer-LaDuca, architect, and Janet Meiselman, of Oxford Consulting, to submit a grant application to Homeless Housing Assistance Program (HHAP) to build an apartment building for homeless women in East Buffalo.

HHAP provides capital grants and loans to not-for-profit corporations, charitable and religious organizations, municipalities and public corporations to acquire, construct or rehabilitate housing for persons who are homeless and are unable to secure adequate housing without special assistance. Projects eligible for HHAP funding may serve families, single persons, youth, the elderly, as well as a range of special needs groups such as the homeless mentally disabled, victims of domestic violence, veterans and persons with AIDS.

HHAP, together with all the programs administered by the Bureau of Housing Services within OTDA, is designed to move families and individuals from homelessness and poverty toward the greatest level self-reliance and economic independence they are capable of achieving.

The application to HHAP is in process and will be submitted October 2010.

2/2

Regular Committees

213

CIVIL SERVICE
(Bonnie E. Russell, Chairperson)

Appt Exec Dir of Strat Plan(Exempt)(Boulware-Wright)(Strat Plan)
Ccp# 9, 10/5

Mrs. Russell moved

That the above item be the same and hereby is Received and Filed

ADOPT

Bonnie E Russell

Recommended by the Committee on Civil Service

215

Appts Computer Programmer(3rd Step)(Prov)(SanFilipo, Barker)
(ccp# 12, 10/05)

Mrs Russell moved

That Communication of 12 of October 5, 2010, be received and Filed
and that the Provisional appointments of Janet SanFilipo, 215 Saranac
Ave, Buffalo, NY 14216 at the 3rd Step of \$48,912.00 and Kathryn
Barker, 246 Prospect Avenue, Buffalo, NY 14201 is hereby approved.
PASSED
AYES - 9 NOES - 0

Recommended by the Committee on Civil Service

Bonnie E Russell

2

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*

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Maj - 5
2/3 - 6
3/4 - 7

00055

Appt Superintendent Pkg Meters & Enforc(Prov)(Max)(Barone)(Pkg)
(ccp# 35, 10/05)

Mrs Russell moved

That Communication of 35 of October 5, 2010, be received and Filed
and that the Provisional appointment of Carm M. Barone, 127
Crestwood Ave, Buffalo, NY 14216 at the Maximum Salary of
\$48,659.00 is hereby approved.

PASSED

AYES - 9 NOES - 0

Recommended by the Committee on Civil Service

Bonnie E Russell

3

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*

Maj - 5
2/3 - 6
3/4 - 7

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FINANCE

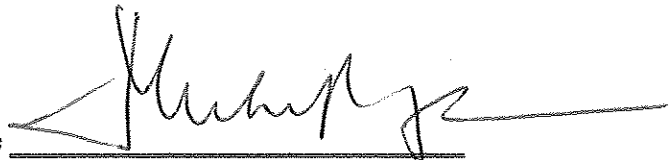
(Michael P. Kearns, Chairman)

Renew Lease – Buffalo Society of Natural Sciences – 1020 Humboldt Parkway
(Item No. 3, C.C.P., Oct. 5, 2010)

That the Executive Director of Strategic Planning be, and he hereby is authorized to renew the lease between the City of Buffalo and the Buffalo Society of Natural Sciences, for use of city-owned property located at 1020 Humboldt Parkway (a/k/a 175 North Parade), for an additional five year period commencing retroactively on May 2, 2010 and expiring on April 30, 2015, under the same terms and conditions as the expired lease including but not limited to the conditions as listed in the above communication. That the Acting Corporation Counsel be, and he hereby is authorized to prepare the necessary documents to renew said lease and that the Mayor be authorized to execute the same.

Passed.

Recommended by the Committee on Finance



Chairman

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Handwriting practice area featuring two loops and asterisks.

L. Goldberg – Request to Purchase Computer
(Item No. 43, C.C.P., Oct. 5, 2010)

That the Directors of Management Information Systems and Purchase, be, and they hereby are authorized to accept \$30.00 from Larry Goldberg for purchase of a computer City ID #4881, Serial #BFXPP-116.

Passed.

Recommended by the Committee on Finance


Chairman

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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Maj - 5
2/3 - 6
3/4 - 7

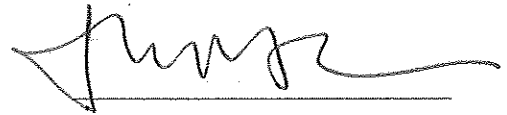
00058

M. Kearns-Preliminary Assessment Notices
Ccp# 46, 10/5

Mr. Kearns moved

That the above item be the same and hereby is Received and Filed

ADOPT

A handwritten signature in black ink, appearing to be "Kearns", written over a horizontal line.

Recommended by the Committee on Finance

6.

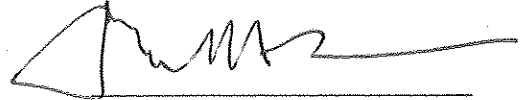
00059

J. Witthohn-Interest in Dog Licensing & Dog Tag Program
Ccp# 53, 10/5

Mr. Kearns moved

That the above item be the same and hereby is Received and Filed

ADOPT

A handwritten signature in black ink, appearing to be "J. Witthohn", written over a horizontal line.

Recommended by the Committee on Finance

Transfer of Funds – PFRS Pension – Human Resources
(Item No. 75, C.C.P., Oct. 5, 2010)

That the above item be, and the same hereby is returned to the Common Council without recommendation.

Mr. Kearns moved:

That the Comptroller be, and he hereby is authorized to transfer and reappropriate Police and Fire Retirement System 17303002-423002 PFRS Pension to Human Resources 125554006-432004 Engineering and Technical and 12554006-454000 Advertising in the total sum of \$355,000.

Passed

Recommended by the Committee on Finance


Chairman

227

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*

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Maj - 5
2/3 - 6
3/4 - 7

00061

Budget and Personnel Amendment
14 - Parking
1075-Parking Violations
(Item No. 78, C.C.P., Oct. 5, 2010)

That the Budget and Personnel Amendment as contained in Item No. 78, C.C.P.,
October 5, 2010, be and the same hereby is approved.

Passed

Recommended by the Committee on Finance


Chairman

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* AYE * NO *

FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*

Maj - 5
2/3 - 6
3/4 - 7

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00062

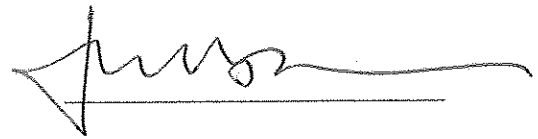
230

J. Makowski-Req Independent Audit Marine Dr. Apartments(#56, 6/22)
Ccp# 67, 10/5

Mr. Kearns moved

That the above item be the same and hereby is Received and Filed

ADOPT

A handwritten signature in dark ink, appearing to be 'J. Makowski', written over a horizontal line.

Recommended by the Committee on Finance

10

COMMUNITY DEVELOPMENT
(Michael J. LoCurto, Chairman)

00063

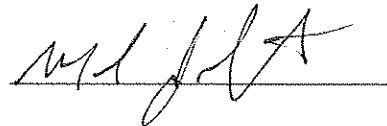
238

Year 36-Community Development Quarterly Reports(5/1/10 to 7/31/10) (Comm Svs)
Ccp# 36, 9/21

Mr. LoCurto moved

That the above item be the same and hereby is Received and Filed

ADOPT

A handwritten signature in dark ink, appearing to be "M. J. A.", written over a horizontal line.

Recommended by the Committee on Community Development

11

LEGISLATION
(Joseph Golombek Jr., Chairman)

M. Judd, Petition to Use 220 Katherine – Alterations & Renovations to
Convert Building to Offices and New Parking Facility
(Item No. 54, C.C.P., Oct. 5, 2010)

That after the public hearing before the Committee on Legislation on
October 12, 2010, the petition of M. Judd, agent, for permission to alter and renovate
220 Katherine from a 2 and a 1 story concrete building for use as offices and a new
parking facility be, and hereby is approved.

Passed.

Recommended by the Committee on Legislation


Chairman

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FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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Maj - 5
2/3 - 6
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P. Tantillo, Petition to use 1066 Elmwood – Convert
Take-Out Restaurant & Apartment to Sit-Down Restaurant
(Item No. 55, C.C.P., Oct. 5, 2010)

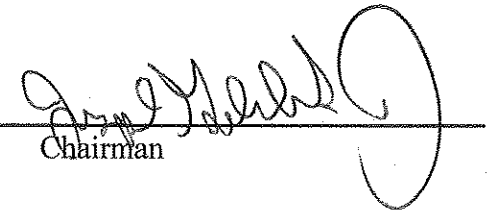
That the above item be, and the same hereby is, returned to the Common Council without recommendation.

Mr. Golombek moved:

That after the public hearing before the Committee on Legislation on October 12, 2010, the petition of P. Tantillo, owner, for permission to convert a take-out restaurant and apartment in the rear to a sit down restaurant at 1066 Elmwood be, and hereby is approved with any conditions that the City Planning Board sets at its next meeting, scheduled for October 26, 2010.

Passed.

Recommended by the Committee on Legislation


Chairman

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237

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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Maj - 5
2/3 - 6
3/4 - 7

R. Panaro, Petition to use 1200 Hertel Avenue --
Center Space for a Sit-down Restaurant
(Item No. 56, C.C.P., Oct. 5, 2010)

That the above item be, and the same hereby is, returned to the Common Council without recommendation.

Mr. Golombek moved:

That after the public hearing before the Common Council on October 19, 2010, the petition of R. Panaro, agent, for permission to use 1200 Hertel Avenue's center tenant space of a 2 story masonry strip mall for a sit-down restaurant is hereby approved.

Passed.

Recommended by the Committee on Legislation


Chairman

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14

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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Maj - 5
2/3 - 6
3/4 - 7

00067

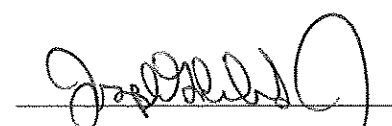
240

R. Planter-Concerns Safety on Leland Ave(South)
Ccp# 50,10/05

Mr. Golombek moved

That the above item be the same and hereby is Received and Filed

ADOPT

A handwritten signature in dark ink, appearing to be "J. Golombek", written over a horizontal line.

Recommended by the Committee on Legislation

15

00068

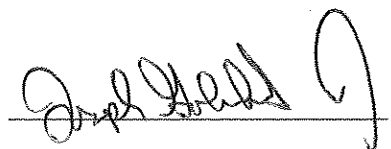
241

J. Andolsek-Concerns-Parking Tickets
Ccp# 56, 7/20

Mr. Golombek moved

That the above item be the same and hereby is Received and Filed

ADOPT

A handwritten signature in dark ink, appearing to read "Joseph Andolsek", is written over a horizontal line.

Recommended by the Committee on Legislation

16

Request to Amend Public Housing Law Section 404
(Item No. 99, C.C.P., July 20, 2010)

248

That the Resolution as contained in the above item be, and the same hereby is,
adopted.

Adopted

Recommended by the Committee on Legislation


Chairman

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17

00070

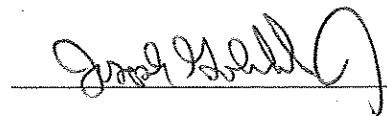
243

J. Voaruez & Others-Req NYS Liquor Auth to Revoke License Club Chit Chat-1048 Clinton
St.(Fill)
Ccp# 50, 7/06

Mr. Golombek moved

That the above item be the same and hereby is Received and Filed

ADOPT



Recommended by the Committee on Legislation

18

00071

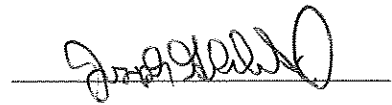
244

C. Lewis-Concerns Chit Chat Club
Ccp# 54, 7/06

Mr. Golombek moved

That the above item be the same and hereby is Received and Filed

ADOPT



Recommended by the Committee on Legislation

19

00072

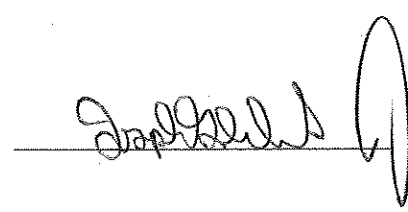
245

Close Club Chit Chat (Except Resolves)
Ccp# 94, 6/22

Mr. Golombek moved

That the above item be the same and hereby is Received and Filed

ADOPT

A handwritten signature in cursive script, appearing to read "Joseph L. ...", is written over a horizontal line.

Recommended by the Committee on Legislation

20

00073

246

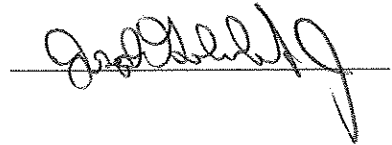
Erie County Dept Environ & Planning-Flood Risk Map Update Briefing
Ccp# 61, 6/08

Mr. Golombek moved

That the above item be the same and hereby is Received and Filed

ADOPT

Recommended by the Committee on Legislation



00074

247

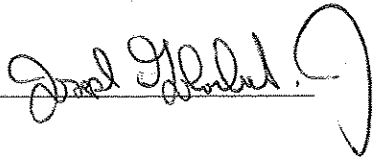
Lucky's Concerns-New Store Opening on Sycamore Street(Fill)
Ccp# 67, 6/08

Mr. Golombek moved

That the above item be the same and hereby is Received and Filed

ADOPT

Recommended by the Committee on Legislation

A handwritten signature in cursive script, appearing to read "Daniel Golombek", is written over a horizontal line.

22

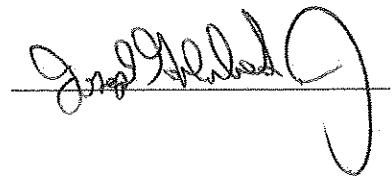
E. Triggs-Concerns 754 Sycamore St (Fill)
Ccp# 70, 6/08

Mr. Golombek moved

That the above item be the same and hereby is Received and Filed

ADOPT

Recommended by the Committee on Legislation

A handwritten signature in dark ink, appearing to read "J. Triggs", is written over a horizontal line.

00076


249

R. Davis-Req The COB to Donate Vacant Lot Btwn 207 Stanton and 181 Stanton
Cep# 62, 5/11

Mr. Golombek moved

That the above item be the same and hereby is Received and Filed

ADOPT

A handwritten signature in dark ink, appearing to be "Joseph M. ...", written over a horizontal line.

Recommended by the Committee on Legislation

24

00077

250

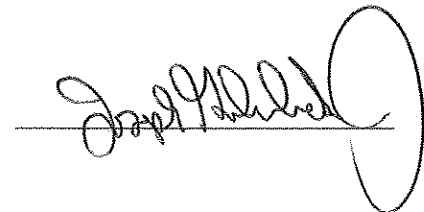
D. Jackson, Owner, Use 16 Rounds for A HSF (Univ)(no pub hrg)
Ccp# 91, 9/7

Mr. Golombek moved

That the above item be the same and hereby is Received and Filed

ADOPT

Recommended by the Committee on Legislation

A handwritten signature in cursive script, appearing to read "Joseph P. Golombek", is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval.

25

Food Store License – 1350 Fillmore
(Item No. 47, C.C.P., June 8, 2010)
(Item No. 85, C.C.P., July 6, 2010)

251
252

That the above item be, and the same hereby is returned to the Common Council without recommendation.

Mr. Golombek moved:

That the Commissioner of Economic Development, Permit & Inspection Services be, and he hereby is directed to deny the Food Store License application of Fathehia Qasem located at 1350 Fillmore d/b/a Rock City.

DENIED

Recommended by the Committee on Legislation


Chairman

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DENY

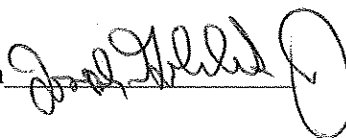
26

Budget Amendments
(#96, 1/19)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Legislation



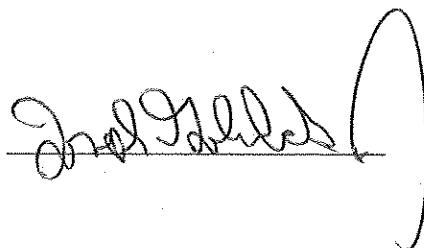
Business Improvement Exemption Ordinance(Asmt)
Ccp# 7, 9/15

Mr. Golombek moved

That the above item be the same and hereby is Received and Filed

ADOPT

Recommended by the Committee on Legislation

A handwritten signature, likely "David Golombek", is written over a horizontal line. A large, loopy closing parenthesis ")" is drawn to the right of the signature.

Allow Bottled Water as a Food Item under WIC to Combat Lead Poisoning
(Item No. 128, C.C.P., Mar. 17, 2009)

That the City of Buffalo respectfully requests that Congress amend the Child Nutrition Act of 1966 to allow the United States Department of Agriculture to allow bottled water to be an accepted food item.

Adopted

Recommended by the Committee on Legislation


Chairman

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29

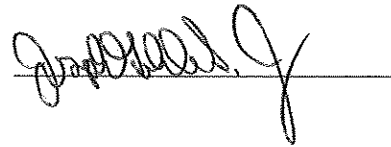
K. Robinson-Use 100 High St. Place a Helipad on an Existing Hospital(ElI)(hrg to be announced)
Ccp# 76, 10/2

Mr. Golombek moved

That the above item be the same and hereby is Received and Filed

ADOPT

Recommended by the Committee on Legislation

A handwritten signature in dark ink, appearing to read "James J. ...", is written over a horizontal line.

258

RESOLUTIONS

259

RESOLUTION**By: Mr. Fontana****RE: WAIVE CONSTRUCTION FEES AND CONTRACTOR LICENSE FEES
FOR HABITAT FOR HUMANITY FOR 2010/2011**

WHEREAS, Habitat for Humanity has an excellent reputation as a not-for-profit 501-C-3 organization that provides decent and affordable housing for people in Buffalo; and

WHEREAS, The Habitat for Humanity volunteer work force continues to rehabilitate older homes and build new ones to strengthen the City of Buffalo by increasing home ownership and creating additional property tax revenue; and

WHEREAS, In 2010, Habitat for Humanity has thus far completed rehab projects at 23 Guilford, 34 Guilford, 40 Norway Pl., 20 Ferguson, 22 Ferguson, 227 Laurel, 62 Hazelwood, 23 Palos, 485 Dartmouth, 493 Winspear, 409 Northumberland, 349 Dewitt and 47 Fox; and

WHEREAS, Additional rehab projects that are in progress and scheduled to be completed by 2011 include 69 Florida, 16 Prairie, 71 Fox Street and 77 Fox Street; and

WHEREAS, By waiving fees for Habitat for Humanity, the City of Buffalo will be directly reducing their building costs and freeing up construction dollars that can be used to complete additional projects; and

WHEREAS, Habitat for Humanity spends ninety cents out of each dollar donated on the purchase of construction materials in the Buffalo area, which provides a positive economic impact on the local economy and creates additional revenue for the city when completed projects go back on the tax rolls; and

NOW, THEREFORE BE IT RESOLVED,

That the Common Council does hereby request that the City of Buffalo Department of Permits & Inspection Services **waive all Construction Permit Fees** for Habitat for Humanity for the remainder of the 2010 calendar year; and

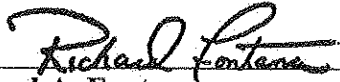
BE IT FURTHER RESOLVED,

That the Common Council does hereby request that the City of Buffalo Department of Permits & Inspection Services **waive all Construction License Fees** for Habitat for Humanity for the period beginning October 1, 2010 and ending September 30, 2011; and

49

BE IT FINALLY RESOLVED,

That the City Clerk is directed to send certified copies of this resolution to James Comerford, Commissioner of Permit & Inspections Services; Steven J. Stepniak, Commissioner of Public Works, Parks & Streets; David Rodriguez, Acting Corporation Counsel; and Ronald Talboys, President of Habitat for Humanity, 995 Kensington Avenue, Buffalo, NY 14215.



Richard A. Fontana
Lovejoy District Council Member

PASSED

2010 OCT 14 PM 1:08

FILED
CITY CLERK

260

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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Maj - 5
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BY: Mr. Franczyk- Council President

Excuse Council Member Smith from the October 19, 2010 Council Meeting.

x Jan U

ADOPTED

ADOPT

49A

K7

By: Mr. Golombek

SUBJECT: Challenging the Federal Governments Approach to Failing Buffalo Schools.

Whereas: The educational system across America is facing problems of epic proportion; and

Whereas: The problems facing the system are especially prevalent in the urban centers where the middle class has fled to the suburbs; and

Whereas: The easiest approach to addressing the problems with the educational system has been to blame the staff, teachers and administrators of the schools in the urban core of our communities; and

Whereas: This approach does not address the real issues that have hurt our educational system, which include students living in poverty, students coming from broken homes and students coming from homes where education is not valued; and

Whereas: In a failed attempt to fix the problems in some Buffalo Public schools, the United States government has offered funding to the school district but only if they remove principals of schools that the federal government considers failing; and

Whereas: The removal of these administrators will not change the problems facing these schools, but rather exacerbate those issues.

Now, Therefore, Be It Resolved:

That the Common Council of the City of Buffalo goes on record in support of Principal Michael Magavero and the dedicated staff of Riverside High School.

Be It Further Resolved That:

That the federal government be informed that their ideas may look good in Washington, DC, but in Buffalo, NY they will cause more harm than good because the removal of these administrators does not fix the underlying problems that face our educational system.

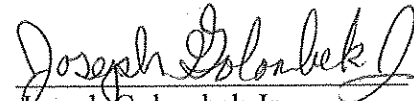
263

Be It Further Resolved That:

That copies of this resolution be sent to the federal legislators that represent the City of Buffalo school district, with a request for their assistance to stop the removal of these administrators.

Finally, Be It Resolved That:

That this resolution be sent to the appropriate Common Council Committee for further discussion.


Joseph Golombek Jr.

ADOPT RESOLVES, REFER REMAINDER TO THE SPECIAL COMMITTEE ON EDUCATION

00086

4 (Rev. 1/93)

SUBJECT: APPROVAL TO LEASE
450 EXCHANGE STREET/
479-481 ALABAMA
GRAPHIC CONTROLS, LLC
South Ellicott Phase 2 Urban Renewal
Area

BY: Councilmember Haynes

WHEREAS, the City of Buffalo Urban Renewal Agency (BURA) has approved a Land Lease between BURA and Graphic Controls, LLC; and

WHEREAS, the City Clerk has published a Notice of Public Hearing, as required by Section 507, Subdivision 2(d) of the "General Municipal Law" and

NOW, THEREFORE, BE IT RESOLVED:

1. That the Mayor, the Chairman, Vice-Chairman, or any duly authorized officer of the City of Buffalo Urban Renewal Agency is hereby authorized to execute any and all documents necessary to lease the property known as 450 Exchange Street and 479-481 Alabama, located in the South Ellicott Phase 2 Urban Renewal Area to Graphic Controls which is subject to approval of Agency Legal Counsel.

BM/ms

REFERRED TO THE COMMITTEE
ON COMMUNITY DEVELOPMENT.

264

51

4 (Rev. 1/93)

RESOLUTION

By: Councilmember Haynes

SUBJECT: SET PUBLIC HEARING
LAND LEASE BETWEEN BURA AND GRAPHIC
CONTROLS, LLC – 450 EXCHANGE STREET/
479-481 ALABAMA
SOUTH ELLICOTT PHASE 2 URBAN RENEWAL AREA

WHEREAS, the City of Buffalo Urban Renewal Agency and Graphic Controls, LLC have negotiated an agreement to lease the property known as 450 Exchange Street and 479-481 Alabama located in the South Ellicott Phase 2 Urban Renewal Area, and;

WHEREAS, the terms of said Land Lease have been approved by the City of Buffalo Urban Renewal Agency; and

WHEREAS, Article 15A of the "General Municipal Law" requires that the disposition of land may be approved only after a public hearing with due notice.

NOW, THEREFORE, BE IT RESOLVED:

1. That the City Clerk is hereby directed to publish the notice attached hereto and marked "Notice of Hearing" in the Buffalo News, no later than the 24th day of October 2010.
2. That this Common Council will conduct a Public Hearing on the matter stated in said "Notice of Hearing" at 2:00 P.M. in the Council Chambers on the 3rd of November.

BM/ms

ADOPTED

RESOLUTION

By: Dr. Curtis Haynes, Jr.
Subject: Sale of former Public School 36 by Appraisal

WHEREAS: This Honorable Body, by Resolution dated March 16, 2010, approved the sale of former School #36 to Elmwood Village Charter School ("EVCS") for \$540,000.00 based on the Report and Recommendation of the Appraisal Review Board ("ARB") dated March 9, 2010; and

WHEREAS: On July 7, 2010, the Honorable Patrick H. NeMoyer, J.S.C. issued a Decision and Order setting aside the Report received by this Honorable Body and its action thereon, based upon, among other things, an alleged failure by the Appraisal Review Board to consider all of the appraisals before it, having arbitrarily set the value of the property at \$540,000 and the existence of an unconditional offer to purchase the property submitted by Samuel J. Savarino for use of the property by West Buffalo Charter School ("WBCS") for \$800,000; and

WHEREAS: The \$800,000 unconditional purchase offer from Samuel J. Savarino for use by WBCS has not been withdrawn; and

WHEREAS: EVCS has been in operation for 4 yrs, during which time the school has continually proven to be a good neighbor and tremendous asset to the community. They have an established track record of student academic success and currently have a waiting list for new students. EVCS has been seeking to purchase the former Public School Number 36 for \$540,000 for the expansion of its Charter and has been working with the Days Park Block Club Association and others to ensure community support for their plans; and

WHEREAS: EVCS has stated that the acquisition of the building is critical to its expansion; and

WHEREAS: WBCS is a newly approved Charter School that has partnered with Buffalo Hearing and Speech, D'Youville College, and the Buffalo Philharmonic Orchestra among others. They have the potential to serve hundreds of underserved Buffalo School children, however as a new school, they have not yet had the opportunity to establish an academic track record or prove whether or not they will be a good neighbor in the community; and

WHEREAS: WBCS has asserted that former Public School Number 36 is the only building available of appropriate size and accommodation that would allow them to operate and that they will lose their Charter if they are unable to identify the building as their location before December 1, 2010; and

WHEREAS: Both EVCS and WBCS, as potential purchasers, are proposing to use the property for Charter School purposes which would be a benefit to the community and the taxpayers; and

WHEREAS: The process for selling the property needs to be fair and transparent to both schools in a way that ensures that the building is sold and occupied as a school as soon as possible; and

WHEREAS: The Court's July 7, 2010 Decision and Order rendered this Body's March 16, 2010 Resolution to sell the property for \$540,000 null and void, therefore now enabling this Honorable Body to determine the appropriate City Charter prescribed method of sale; and

WHEREAS: Any prior applications for appraisals are deemed null and void by virtue of the Court's July 7, 2010 Decision and Order; and

WHEREAS: The Court's decision specifically noted a failure of the City to follow correct procedures per section 27-5 of the Charter, including the Council failing to determine a fair appraisal by retaining an appraiser from a list of appraisers established by the ARB; and

WHEREAS: The Court identified several incidents of unfairness and bias in the manner of the City's handling of the sale of this property; and

266

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RF

WHEREAS: The Court further noted a failure of the ARB to review submitted appraisals in full and to inform the Council of the results of the appraisals and its recommendation; and

WHEREAS: With the Court having concluded that there has been several procedural failures and arbitrary and unlawful behavior, it is highly unlikely that, given past legal precedent, the City of Buffalo would be successful on appeal of this decision; and

WHEREAS: The Court's decision also noted that it would not necessarily be arbitrary or unlawful for the City to reject an offer of a higher purchase price from one prospective buyer in favor of a monetarily lower but socially more beneficial offer from a different purchaser; and

WHEREAS: The property is unique in both its location in a local and national historic district, Allentown, and on a park designed by Frederick Law Olmsted and unique because of the decades long stewardship of the residents for the landscape and surrounding community; and

WHEREAS: There remain serious community concerns about this site becoming rental property and there is a long-standing community relationship with EVCS; and

WHEREAS: To sell this property by auction would be unfair to EVCS and to pursue an appeal of the Court's decision would be unfair to WBCS since it would deny them the opportunity to house their school in a timely manner and risk their charter; and

WHEREAS: It is important to ensure the readiness of this property for use as a school, and to avoid a delay of another year before there is tenancy; and

WHEREAS: It is the responsibility of the Council to act on this matter in a timely fashion that complies with the City Charter, and only by a new and fair process and appraisal can this matter be decided.

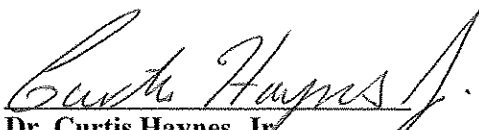
NOW THEREFORE BE IT RESOLVED: That this Honorable Body hereby provides that the property owned by the City commonly known as 40 Days Park and former Buffalo Public School #36 be independently appraised as soon as possible by a properly chosen appraiser on the ARB list; and

BE IT FURTHER RESOLVED: That both interested parties be notified of the opportunity for them to provide new appraisals for consideration; and

BE IT FURTHER RESOLVED: That the property be sold in an "as is" condition subject to the conditions that:

1. It be used as a school for the next fifty years with the City of Buffalo retaining a reverter (or reversionary interest) in said property should it discontinue being used as an active school for a period of more than six consecutive months during said fifty year time period measured from the time of closing; and
2. The purchaser of the property must at closing release the City (and the City School District) from all environmental liability and must indemnify the City (and the City School District) from all environmental liability related to the property; and

BE IT FINALLY RESOLVED: That said conveyance can only be further initiated by a two-thirds vote of the Council pursuant to §27-4 of the City Charter and would be subject to the additional requisite approvals contemplated by the provisions of said City Charter as well as by approval of the Buffalo Fiscal Stability Authority.


Dr. Curtis Haynes, Jr.
Ellicott District Council Member

PASSED

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268

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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RESOLUTION

By: Michael P. Kearns

RE: WAIVE CONSTRUCTION FEES, CONTRACTOR LICENSE FEES, AND DISPOSAL FEES AT SOUTH OGDEN TRANSFER STATION FOR AMERICORPS AND CAZENOVIA RESOURCE CENTER, JOINTLY OPERATING AS 49 BUFFUM, LLC.

WHEREAS, 49 Buffum is the most historically significant house on the most historically significant street in South Buffalo. Horace Buffum, an early settler and carriage maker, built the first house on Buffum prior to the Civil War. He and his family lived in the house for many years and, while living at 49 Buffum, the family grew fruits and vegetables and also raised chickens; and

WHEREAS, 49 Buffum is historically and culturally significant not only because of its age, but also because of its possible role as part of the Underground Railroad. It has been said that the sub-basement of the home is linked to a cave that connected to the site of the Seneca Mission School, and may have once been used by escaping slaves; and

WHEREAS, In 2008, a fire caused extensive damage to 49 Buffum and the house was slated for demolition. Through the tireless efforts of residents and community groups however, 49 Buffum was saved; and

WHEREAS, The Cazenovia Resource Center and AmeriCorps joined together to form 49 Buffum, LLC, through which they have purchased the property and committed to completely renovating the house and returning it to its original glory; and

WHEREAS, When renovations are complete, 49 Buffum will be the site of the South Buffalo Heritage Center and will also serve as housing for AmeriCorps volunteers, who earn a modest stipend for working to strengthen and improve homes and neighborhoods; and

WHEREAS, It is in the City's best interest to seek ways to ensure that its historic treasures are restored, rehabilitated and reused and 49 Buffum is an important piece of Buffalo's history and an important link to the past.

NOW, THEREFORE BE IT RESOLVED,

That the Common Council does hereby request that the City of Buffalo Department of Permits and Inspection Services **waive all Construction Permit Fees** for 49 Buffum, LLC., *for the remainder of the 2010 and the entire 2011 calendar year*; and

BE IT FURTHER RESOLVED

That the Common Council does hereby request that the City of Buffalo Department of Permits and Inspection Services **waive all Contractor License Fees** for 49 Buffum, LLC., *for the remainder of the 2010 and the entire 2011 calendar year*; and

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BE IT FURTHER RESOLVED

That the Common Council does hereby request that the City of Buffalo Department of Public Works, Parks & Streets **waive Disposal Fees at South Ogden Transfer Station** for 49 Buffum, LLC., *for the remainder of the 2010 and the entire 2011 calendar year;* and

BE IT FINALLY RESOLVED

That the City Clerk is directed to send certified copies of this resolution to James Comerford Commissioner of Permit & Inspections Services; Steve Stepniak, Commissioner of Public Works, Parks & Streets; and David Rodriguez, Acting Corporation Counsel.



Michael P. Kearns
South District Councilmember

PASSED

2010 OCT 14 PM 1:25

FILED
CITY CLERK

270

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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RESOLUTION**Sponsor: Mr. LoCurto****Re: Requesting that the Comptroller Audit BERC programs**

Whereas: On July 6, 2010, a copy of a letter sent to E.J. Walton, Chief Financial Officer of the Buffalo Economic Renaissance Corporation ("BERC"), was filed with this Honorable Body which requested an accounting of all monies allocated by all Common Council Members to BERC's CARE, Sign and other programs for the last four fiscal years and the current year to date; and

Whereas: This letter was drafted in conjunction with a meeting conducted to provide an update on the ongoing dissolution of BERC, which was attended by Janet Penksa on behalf of the City administration and BERC; and

Whereas: Although more than three months have passed since this request for an accounting was made, the Common Council has still not received any of the information requested; and

Whereas: The Common Council and the taxpayers of the City of Buffalo have a right to know how funds that were allocated to BERC have been expended; what these funds were used for; whether any of these funds remain unspent at this time; and for what purposes any unspent funds remaining can be used; and

Whereas: With the demand for funding far outstripping the City's ability to provide financial resources, it is critical that all funding allocated to BERC be properly accounted for and that all unspent funds remaining be identified.

Now, Therefore, Be It Resolved:

That the Common Council respectfully requests that the Comptroller of the City of Buffalo take immediate steps to conduct an audit of BERC in order to account for all monies allocated by all Common Council Member's to BERC's CARE, Sign, and other programs for the last four fiscal years and the current year to date.

**Michael J. LoCurto**

Delaware District Council Member

ADOPT RESOLVE, REFER REMAINDER TO THE COMMITTEE ON COMMUNITY DEVELOPMENT

Sponsor: Michael J. LoCurto

RESOLUTION

Re: Buffalo Olmsted Parks Conservancy Grant Application to New York State Office of Parks, Recreation, and Historic Preservation: Recreational Trails Program.

WHEREAS: The Buffalo Olmsted Parks Conservancy is applying to the New York State Office of Parks, Recreation and Historic Preservation for a grant under the Recreational Trails Program for a trail project to be located Delaware Park a site located within the territorial jurisdiction of this Board of Trustees and

WHEREAS: As a requirement under the rules of these programs, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located";

NOW, THEREFORE, BE IT RESOLVED: By this august body that the Council of the City of Buffalo hereby does approve and endorse the application of Buffalo Olmsted Parks Conservancy for a grant under the Recreational Trails Program for a trail project known as "Point of the Meadow Gateway Enhancement Project" and located within this community.

If the project is taking place on municipally-owned land, the following must be added:

BE IT FURTHER RESOLVED THAT: Should Buffalo Olmsted Parks Conservancy be unable to do so, said property shall be maintained by City of Buffalo consistent with the rules promulgated by OPRHP.



MICHAEL J. LoCURTO
Delaware District Councilmember

ADOPTED

ADOPT

54A

127

No.

By Mr. Smith

Felicitations/In Memoriam

Attached hereto are Felicitations and In Memoriam Resolutions sponsored by
Members of the Common Council as indicated:

Felicitations for Reverend Richard "Duke" Zajac
By Councilmember Michael P. Kearns

Felicitations for Patricia Elaine Clark
By Councilmember Demone A. Smith

Felicitations for
By Councilmember

Felicitations for
By Councilmember

Felicitations for
By Councilmember

Felicitations for
By Councilmember

Felicitations for
By Councilmember

Felicitations for
By Councilmember

In Memoriam for
By Councilmember

In Memoriam for
By Councilmember

ADOPTED

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City of Buffalo

Common Council

At the regular meeting of the Common Council of the City of Buffalo, New York, held on Tuesday, October 5th, 2010, the following proclamation was adopted, sponsored by Michael P. Kearns, South District Common Council Member:

Whereas: *Reverend Richard "Duke" Zajac was raised in the Black Rock neighborhood of the City of Buffalo, where his parents owned a grocery store; and*

Whereas: *Reverend Richard "Duke" Zajac received his Bachelor's Degree in Philosophy from Saint John Vianney Seminary and was ordained on May 27th, 1976; and*

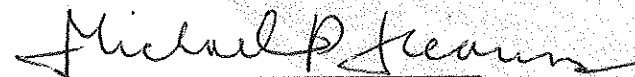
Whereas: *Reverend Richard "Duke" Zajac first served under Monsignor William Stanton at Saint Ambrose Church in South Buffalo. While there, he coached the boys baseball team and led them to their first championship title; and*

Whereas: *Reverend Richard "Duke" Zajac has authored three books of homilies called "Life Injections," which stress the connection between scripture and the human experience and provide motivation to readers to make life changes for their own betterment; and*

Whereas: *Reverend Richard "Duke" Zajac, though his life and through his work, has been able to inspire hope and peace in the lives of those who are suffering.*

Now, Therefore, Be It Proclaimed:

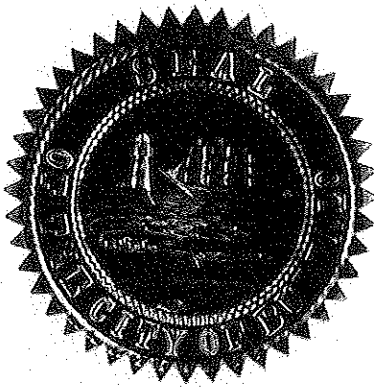
That it is an honor and a privilege for the Common Council of the City of Buffalo, New York to recognize and extend our sincere felicitations to the Reverend Richard "Duke" Zajac, a distinguished and loyal citizen, upon the occasion of his being honored at the Monsignor William Stanton Gala for his hard work and dedication to bettering our society by promoting spiritual, intellectual, and athletic growth.



Michael P. Kearns
South District Council Member



Gerald Chwalinski
City Clerk



City of Buffalo

Common Council

At the regular meeting of the Common Council of the City of Buffalo, held on Tuesday, September 21, 2010, the following proclamation was adopted, sponsored by Demone A. Smith, Masten District Common Council Member:

Whereas: Patricia Elaine Clark was born in Pembroke, West Bermuda and, in 1954, moved with her mother and stepfather to the United States. She later traveled with her Air Force family to Japan where she graduated from Johnson High School in June 1960; and

Whereas: Patricia Elaine Clark married a native of Buffalo, New York in 1961 and moved to France with her former husband, who was serving in the Air Force, from 1961 through 1963. She is the mother of DeAnna Elaine, Devon Keith and Jaye Allyn Clark. Patricia and her family are members of the Lutheran Church of Our Savior, where she has served on the Deacon Board, Board for Christian Education, Scholarship Committee and the Memorial Fund Board of Directors; and

Whereas: In July 1986, after completing her Bachelor of Science Degree in Business Administration at Medaille College, Patricia Elaine Clark began working at the University at Buffalo as a student counselor. After a year and a half, she was promoted to the position of Director of the Science and Technology Enrichment Program ("STEP") and the Structural Educational Support Program ("SESP"). In September 1991, she became the Associate Director for the Office for University Preparatory Program. While working at the University at Buffalo, she also completed a Master's Degree in Education. Ms. Clark has amassed twenty years of experience in budget management and counseling at the local and state level in both the public and private sectors; and

Whereas: Patricia Elaine Clark is a member of Delta Sigma Theta Sorority, Inc., Buffalo Alumnae Chapter and has received a number of awards and honors for her service to the community, appeared as a guest speaker for numerous events, and given presentations to many different organizations.

Now, Therefore, Be It Proclaimed:

That the Common Council of the City of Buffalo pauses in its deliberations to recognize the contributions and dedication of Patricia Elaine Clark, a true "Uncrowned Queen," to bettering our society and advancing educational opportunities for minorities, women, and disadvantaged populations.

Demone A. Smith

Masten District Council Member

ANNOUNCEMENT OF COMMITTEE MEETINGS

The following meetings are scheduled. All meetings are held in the Common Council Chambers, 13th floor City Hall, Buffalo, New York, unless otherwise noted.

Regular Committees

Committee on Civil Service	Tuesday, October 26, 2010 at 9:45 o'clock A.M.
Committee on Finance following Civil Service	Tuesday, October 26, 2010 at 10:00 o'clock A.M.
Committee on Comm. Dev.	Tuesday, October 26, 2010 at 1:00 o'clock P.M.
Committee on Legislation	Tuesday, October 26, 2010 at 2:00 o'clock P.M.

(Public Disclaimer): All meetings are subject to change and cancellation by the respective Chairmen of Council Committees. In the event that there is sufficient time given for notification, it will be provided. In addition, there may be meetings set up whereby the City Clerk's Office is not made aware; therefore, unless we receive notice from the respective Chairmen, we can only make notification of what we are made aware.

00094

277

No.

Adjournment

MRS. RUSSELL

On a motion by Mr. Fontana, Seconded by ~~Mr. Kearns~~, the Council adjourned at

3:30 PM

GERALD CHWALINSKI
CITY CLERK

October 19, 2010